

Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,
ABERDEEN 11 September 2024

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 19 SEPTEMBER 2024 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 22 August 2024 - for approval (Pages 7 - 12)

COMMITTEE PLANNER AND PLANNING DIGEST

- 5.1. Committee Planner (Pages 13 - 16)
- 5.2. Planning Appeal Digest (Pages 17 - 20)

GENERAL BUSINESS

REPORTS

- 6.1. Article 4 Directions - CR&E/24/277 (Pages 21 - 36)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 7.1. Detailed Planning Permission for the change of use from class 3 to mixed use class 3 (food and drink) and hot food take-away (sui generis) and installation of roof-mounted extract flue (part retrospective) - 108 Cornhill Road Aberdeen (Pages 37 - 48)

Planning Reference – 240664

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Robert Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 8.1. Detailed Planning Permission for the installation of a grid battery energy storage facility (up to 40MW), with associated development - land at Newton of Pitfodels, Aberdeen (Pages 49 - 74)

Planning Reference – 240614

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Aoife Murphy

DATE OF NEXT MEETING

9.1. Thursday 7 November 2024 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email lymcbain@aberdeencity.gov.uk

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Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 22 August 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Blake (as substitute for Councillor Boulton), Clark, Copland, Farquhar, Lawrence and Macdonald.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 20 JUNE 2024

1. The Committee had before it the minute of the previous meeting of 20 June 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING OF 28 MAY 2024 - FOR APPROVAL

2. The Committee had before it the minute of the Planning Development Management Committee Public Hearing of 28 May 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

- (i) to note the reason for the delay in relation to item 6, Land at Rigifa, Cove Road, Aberdeen; and
- (ii) to note the committee business planner.

LAND AT PERSLEY CROFT, PARKWAY, ABERDEEN - 231134

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4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the erection of battery energy storage system (BESS) development with a capacity up to 49.9MW including erection of a welfare unit, substation and fencing; demolition of an existing building and associated infrastructure, at Land at Persley Croft, Parkway, Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

PRE-COMMENCEMENT OF DEVELOPMENT

(02) TREE PROTECTION FENCING

No development (including demolition or site setup) shall take place unless

- (i) a scheme to protect the trees to be retained out with the site has been submitted to and approved in writing by the planning authority; and
- (ii) the approved tree protection fencing is in place.

Thereafter, the fencing shall remain in place for the duration of construction of the development.

Reason – to protect trees and vegetation from damage during construction.

(03) SITE INVESTIGATION

No development (including demolition or site setup) shall take place unless a scheme to deal with any contamination on the site has been submitted to and approved by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS 10175 (Investigation of Potentially Contaminated Sites – Code of Practice) and other best practice guidance and shall include:

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- a) an investigation to determine the nature and extent of contamination,
- b) a site-specific phase 2 risk assessment,
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

The development shall not be brought into use unless –

- a) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- b) a report has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues have been carried out, unless the planning authority has given written consent for a variation.

Reason – to ensure that the land is made suitable for the new use and avoid unacceptable risks to human health and the environment.

(04) NOISE – EQUIPMENT

No development shall take place unless evidence has been submitted to and approved in writing by the planning authority that the warranted sound power levels of the chosen equipment meets the assumptions considered in the Noise Impact Assessment P-22-489-R02v5 produced by Hepworth Acoustics.

Where the proposed items are found to vary in sound power level from the assumptions, to confirm that the operational noise levels will meet the relevant criteria (noise limits) an updated noise impact assessment shall be undertaken and submitted to and approved in writing by the planning authority.

Reason – to protect surrounding residential properties from any unreasonable noise generated by the development.

(05) LANDSCAPING

All soft landscaping proposals shall be carried out in accordance with the approved scheme of landscaping (Pegasus Group drawing P22-2723_EN_0004 (Rev.E) or such other drawing approved for the purpose) and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority.

Any planting which, within a period of five years from the completion of the development, in the opinion of the planning authority is dying, is severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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Reason – to satisfactorily integrate the development into the surrounding area and enhance biodiversity.

PRE-USE OF DEVELOPMENT**(06) DRAINAGE**

The development hereby approved shall not be brought into use unless all drainage works detailed in the approved Drainage Assessment (8600 (Rev. P03) and drawing 8600-MJM-XX-XX-DR-C-5200 (Rev. P07) produced by MJM (or such other details approved for the purpose) have been installed in accordance with the approved details and are available for use.

Reason – to safeguard water qualities, prevent flooding and ensure that the proposed development can be adequately drained.

(07) PROVISION OF NOISE BARRIER

The development hereby approved shall not be brought into use unless the noise barrier recommended in Noise Impact Assessment P-22-489-R02v5 produced by Hepworth Acoustics has been installed in accordance with paragraph 4.10 and figure 2 of the assessment (or such other details approved for the purpose).

Thereafter, the barrier shall remain in place for the duration of the life of the development and shall be maintained to ensure that it continues to perform to the minimum specifications in paragraph 4.10 of the assessment.

Reason – to protect surrounding residential properties from any unreasonable noise generated by the development.

RESTORATION**(08) CESSATION OF OPERATION**

The operator of the battery energy storage system shall notify the planning authority in writing if the site does not function for a continuous period of more than six months. The notification must occur within one month of the expiry of the six-month period.

Reason – to define the cessation of operation and to give effect to the restoration of the development site.

(9) DECOMMISSIONING

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Six months prior to the decommissioning of the battery energy storage system, a decommissioning and site restoration scheme shall be submitted for the written approval of the planning authority.

The scheme shall provide details of (i) how equipment, ancillary structures and infrastructure located within the development hereby approved would be decommissioned and removed and the site made good and (ii) a timescale for these actions.

Thereafter, decommissioning and the making good of the site shall be carried out in accordance with the approved restoration scheme.

Reason – to ensure satisfactory restoration of the site and continued integrity of the green belt.

The Committee heard from Mr Matthew Easton, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Mr Charlie Robertson and Reverend Anne Robertson, who both spoke against the application and objected to the proposed application, asking that it be refused.

The Committee then heard from Mr Jamie Scott (agent for the applicant) and Ms Milly Bowen (applicant), who both spoke in support of the application and answered questions from Members.

The Convener, seconded by the Vice Convener, moved:-

That the application be approved in line with the recommendation contained within the report.

Councillor Alphonse, moved as an amendment:-

That the application be refused.

Councillor Alphonse's amendment failed to attract a seconder and was therefore not put to the vote.

The Committee resolved:-

to approve the application conditionally.

SECOND FLOOR RIGHT, 6 HOWBURN PLACE ABERDEEN - 240743

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

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That the application for Detailed Planning Permission for the change of use of flat to short term let accommodation with maximum occupancy of 2 people, at Second Floor Right, 6 Howburn Place Aberdeen, be approved subject to the following conditions:-

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) TIME LIMIT FOR SHORT-TERM LET USE

The hereby approved use of the property shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use as short term let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as short term let accommodation to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

The Committee heard from Mr Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Mr Richard Dingwall, agent for the application, who spoke in support of the application and answered questions from Members.

The Committee resolved:-

to approve the application conditionally.

- **Councillor Ciaran McRae, Convener**

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			19 September 2024						
4	108 Cornhill Road - 240664	To approve or refuse the application for change of use to mixed class 3 use and hot food take-away		Robert Forbes	Strategic Place Planning	Place	1		
5	Land at Newton of Pitfodells - 240614	To approve or refuse the application for installation of a grid battery energy storage facility (up to 40MW), with associated development		Aoife Murphy	Strategic Place Planning	Place	1		
6	Article 4 Directions	To seek approval to go out to consultation.		Laura Robertson	Strategic Place Planning	Place	3		
7			07 November 2024						
8	Land at Rigifa, Cove Road - 231336	To approve or refuse the application for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		
9	PRE APPLICATION FORUM - The Quad, Howe Moss Avenue Dyce - 240991	To hear from the applicant in relation to the Proposal of Application Notice for a major development for a proposed business and industrial development, comprising c7,500 sqm of class 5 and 6 uses with ancillary class 4 use and associated works, at the Quad, Howe Moss Avenue Dyce Aberdeen.		Gavin Clark	Strategic Place Planning	Place			
10			05 December 2024						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
11	Draft Aberdeen Guidance Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5		
12			Future applications to PDMC (date of meeting yet to be finalised.						
13	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant/takeaway		Lucy Greene	Strategic Place Planning	Place	1		
14	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
15	Land At Coast Road St Fittick's Park/ Gregness Headland/ Doonies - 231371	To approve or refuse the application for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works		Lucy Greene	Strategic Place Planning	Place	1		
16	Land At Greenferns Landward (OP 22), to the South of Kepplehills Road Newhills, Aberdeen - 240216	To approve or refuse the application for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure		Gavin Clark	Strategic Place Planning	Place	1		
17	St Machar Park - 240741	To approve or refuse the application for installation of roadside art work/sculpture		Laura Robertson	Strategic Place Planning	Place	1		
18	Land adjacent to 593 and 595 King Street - 240648	To approve or refuse the application for installation of 2no EV charging points, feeder pillar and cabinet and associated works (retrospective)		Roy Brown	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
19	University Of Aberdeen Zoology Building - 240678	To approve or refuse the application for installation of 12 antennas (paired off on 6 pole mounts), 6 cabinets and all ancillary development		Roy Brown	Strategic Place Planning	Place	1		
20	First Aberdeen bus depot, 395 King St - 240769	To approve or refuse the application for hydrogen refuelling station works		Robert Forbes	Strategic Place Planning	Place	1		
21	Claymore Drive - 240839	To approve or refuse the application for approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (ref 191904/PPP) for the erection of 72 homes, supporting infrastructure and open space		Roy Brown	Strategic Place Planning	Place	1		
22	201 Union Street	To approve or refuse the application for change of use from class 1A (shops, financial professional and other services) to class 3 (food and drink) including installation of extract vent to rear flat roof with associated works		Roy Brown	Strategic Place Planning	Place	1		
23	Planning Guidance	At the meeting on 15 May 2024, it was agreed to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.		David Dunne	Strategic Place Planning	Place	5		
24	Draft Aberdeen Planning Guidance: Health Impact Assessments	At the meeting on 20 June 2024, it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.		Donna Laing	Strategic Place Planning	Place	5		

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Planning Development Management Committee – 19 September 2024

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government’s Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Appeals Determined

Type of appeal	Enforcement Notice	Application Reference	221307/DPP
Address	Land to rear of 6 Craighden.		
Description	Change of Use from Public Open Space to Private Gated Communal Garden and the Erection of Associated Enclosure Fence with Gate without the benefit of planning permission.		
History	Refusal of change of use application (221307/DPP) upheld by the Local Review Body last year. The Enforcement Notice subject to this appeal was subsequently served.		
DPEA Decision	<p>Appeal dismissed. There has been a breach of planning control and a material change of use of land to a private amenity space and that the requirements of the notice to remove the fencing enclosing the land is supported. Enforcement Notice supported.</p> <p>Update – the fence has been removed and the enforcement notice has been complied with.</p>		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of Appeal	Certificate of Lawfulness	Application Reference	240295/CLE
Address	First Floor Right, 15 Urquhart Street		
Description	Existing Use Of Flat As Short Term Let Accommodation (Sui Generis) With Maximum Occupancy Of 4 People		
History	Refused under delegated powers on 11 March 2024		
DPEA Decision	<p>Refuse to grant certificate.</p> <p>Based on the level of maximum occupation (which would be substantially higher than typically expected), the frequency of changeovers and cleaning, transient nature of visitors, and frequent and increased use of the entrance, stairwell and communal garden would represent a significant intensification of use. On the balance of probability, the use of the appeal property for short-term visitor accommodation entails a materially different pattern of use than that associated with its occupation on a normal domestic basis and amounts to a material change of use which requires planning permission. The use is not established and is not lawful.</p>		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Appeals Pending

Type of appeal	Planning Permission	Application Reference	231422/DPP
Address	Alba Gate, Stoneywood Park		
Description	Demolition of existing building and re-development of site to include change of use to form a mixed-use of 4 business units (Class 4), 2 ancillary cafe/restaurant units (Class 3) with drive thru takeaway (sui generis), electric vehicle charging hub, car parking, soft landscaping and associated works		
History	Refused by Planning Development Management Committee of 15 May 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber		
Description	Variation Of Condition 3 (Scale Of Development - Residential) of Application Reference 200535/PPP to increase the maximum number of residential units from 80 to 99		
History	Refused by the Planning Development Management Committee of 20 June 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	19 September 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Article 4 directions
REPORT NUMBER	CR&E/24/277
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Laura Robertson
TERMS OF REFERENCE	3

1. PURPOSE OF REPORT

1.1 This report presents two draft proposals in relation to Article 4 directions as follows:

- Introducing new Article 4 directions relating to the removal of permitted development rights for replacing windows within Bon Accord/Crown Street, the City Centre and Old Aberdeen Conservation Areas; and
- Cancellation of Article 4 Direction for Burnbanks Village, reinstating permitted development rights.

1.2 The report also seeks approval to undertake public consultation for a 6 week period on these proposals, with the results of the consultation and any recommendations reported back to this committee for approval.

2. RECOMMENDATIONS

That the Committee:

- 2.1 Instruct the Chief Officer – Strategic Place Planning to publish the proposed Article 4 Direction changes for a six-week period of non-statutory public consultation; and
- 2.2 Instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.

3. CURRENT SITUATION

- 3.1 The report has been split into two sections; firstly, the proposal to introduce Article 4 Directions for the Bon Accord and Crown Street Conservation Area; City Centre Conservation Area; and Old Aberdeen Conservation Area and;

secondly the proposal to remove the Article 4 Directions from Burnbank's village.

Bon Accord and Crown Street; the City Centre and Old Aberdeen Conservation Areas permitted development rights

- 3.2 The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ('the 1992 order') allows certain classes of development to be undertaken without express planning permission being granted by the planning authority. It also sets out the procedures for withdrawing these permitted development rights through an Article 4 Direction.
- 3.3 The latest amendments to the [1992 order](#), the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2024](#) came into force on 24 May 2024.
- 3.4 The Scottish Government has stated that the aim of the 2024 Order is to improve energy efficiency through allowing alteration and replacement of windows.
- 3.5 [Article 8](#) of the 2024 Order inserts new Class 7A into the 1992 order. This provides permitted development rights for the alteration or replacement of windows in both domestic and non-domestic buildings, where the works materially affect the external appearance of the building (and hence constitute development which would normally requiring planning permission).
- 3.6 New Class 7A is intended to provide greater flexibility for homeowners and businesses to improve the thermal efficiency of their properties by extending Permitted Development Rights for replacement windows to a wider range of locations and a wider range of building types.
- 3.7 In summary, within Conservation Areas **Class 7A**:
- permits the **alteration or replacement** of a window that is part of the building's **rear or side elevation, unless the side elevation fronts a road**.
 - permits the **alteration or replacement of a window** that is part of the building's **principal elevation (or side elevation that fronts a road) if the window as altered/replaced would be the same or substantially the same as the existing window, as regards the** - manner in which the window is opened and closed, number, orientation and colour of panes comprised in the window, and dimensions and colour of the frame of the window or any astragal bars comprised in the window.
- 3.8 **Class 7A introduced a system of prior notification. Prior notification is required** for changes to the design and external appearance of windows in conservation areas, this allows the planning authority to determine if proposed replacement window(s) that would be substantially different from the existing windows, would harm the character or appearance of the conservation area. If the window(s) are deemed to potentially harm the character then the planning

authority can request submission of prior approval which would then either be refused or approved accordingly.

3.9 Prior notification is required if:

- the window is part of the building's principal elevation (or side elevation that fronts a road), and
- the window as altered/replaced would not be the same or substantially the same as the existing window in respect of the criteria listed above in paragraph 3.7.

3.10 The new permitted development rights regarding windows and associated prior notification process, results in the Planning Service having limited control over replacement windows being installed in buildings in conservation areas.

Why

3.11 Article 4 directions were previously in place for the City Centre; Old Aberdeen; Bon Accord and Crown Street; Albyn Place and Rubislaw; Marine Terrace, and Footdee conservation areas from 29 February 1972 and Great Western Road; Cove Bay; Ferryhill; and Pitfodells from 12 February 1982. These Article 4 Directions covered the two classes below, which included the replacement of windows, and restricted the permitted development rights of householders meaning that planning permission was required for the following categories of development -

- Class 1 (The enlargement, improvement or other alteration to dwelling houses); and
- Class 2 (Any alteration to the roof of a dwelling house including the enlargement of a dwelling house by way of an addition or alteration to its roof).

3.12 The directions were in place until the introduction of the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2011](#). This amendment negated the need for Article 4 Direction Orders in all conservation areas, by automatically removing these rights at national rather than a local level. Since they were no longer required, Aberdeen City Council formally removed the Article 4 Directions, through the committee reporting process after a report was presented to Planning Development Management Committee of 17 March 2016 ([PDMC 170316](#)).

3.13 Now, with the introduction of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024, the Council's control over the replacement of windows in conservation areas has been very significantly weakened. Though, initially, the changes to the permitted development regulations may not be noticed, the incremental change will likely result in significant loss of place distinctiveness and have an impact on the character of the Conservation Areas. This is covered in more detail later in this report. The only way to ensure the same level of control, thus prevent loss of character through incremental change, would be via the reintroduction of Article 4 Directions. As detailed above, these controls are not something new but

would allow the return to a system that was worked well across the City since the 1970s.

What is proposed?

- 3.14 Given the potential negative impact on the special character of Aberdeen's conservation areas it is proposed to reinstate Article 4 directions to remove class 7A of the General Permitted Development Order within three of the City's Conservation Areas, which are considered the most sensitive to the changes and have received the most investment over the years (e.g. grant funding). These are:
- City Centre Conservation Area (designated outstanding 25 March 1977)
 - Old Aberdeen Conservation Area (designated outstanding 24 November 1978)
 - Bon Accord and Crown Street Conservation Area (designated outstanding 24 November 1978)
- 3.15 Both the City Centre Conservation Area and Bon Accord and Crown Street Conservation Area have received substantial investment through building repair grants over the last 10+ years, through various funding streams. Failure to protect that investment would potentially undermine future grant applications and negatively impact on the historic built environment. Old Aberdeen is an excellent example of a relatively unaltered conservation area with a distinctive and unique character. Not reinstating the previous level of protection could potentially lead to this character being lost through incremental change.
- 3.16 These most recent changes to permitted development rights mean that any windows on the rear or side elevations (unless fronting a road) could be significantly changed without consent of any sort. Original sash and case windows could be changed to uPVC casement windows. On the front elevation there would be more restrictions but changes from timber to uPVC would be permitted as long as all the proportions, opening mechanisms, colour etc are still the same as existing. This could result in the loss of historic windows which play such an important part to the character of a conservation area. Though, initially, the changes to the permitted development regulations may not be noticed, the incremental change will likely result in significant loss of place distinctiveness and have an impact on the character of the conservation areas. Furthermore, this would result in the loss of positive gains achieved through previous investment of public funds and decades of work dedicated to conserving the character and appearance of conservation areas. The introduction of the new Permitted Development rights in relation to conservation areas has potential to undermine this investment and effort.
- 3.17 Even with the changes in legislation over the years, planning permission has been required to replace windows in these conservation areas since 1972. This continuity has protected the historic fabric and special character of the historic buildings. The proposed Article 4 direction would reinstate a system of control that has worked well since 1972.

Burnbanks Village

- 3.18 The current Article 4 Direction for Burnbank's Village dates back to February 1991, and was put in place *"for the purpose of preserving the character of the original dwellings in the fishing village of Burnbanks, Nigg which are to be restored and rehabilitated and in the interest of maintaining the high standard of design and layout of the new residential development which will henceforward form an integral part of the village and averting possible future erosion of the intended environment."* Appendix 1 of this report shows the original Article 4 Direction and the area it covers.
- 3.19 The current Article 4 Direction removes the followings permitted development rights - Restriction of Classes I and II of Town and Country Planning(General Permitted Development)(Scotland)Order 1981: Schedule 1, Part 1, Class I, Column 1 (Development within the curtilage of a dwellinghouse) & Class II, Column 1 (Sundry Minor Operations).
- 3.20 A number of the properties were designated as category C listed buildings on 26 January 1981, pre-dating the refurbishment/ rebuilding that took place in the early 1990s. This said, Historic Environment Scotland (HES) received a proposal from a member of the public to remove the listed designation of LB15635 on 16 February 2024 which relates to the category C listed buildings at the following addresses:
- 1, 6, 9, 10, 12, 13, 18, 19 and 22 Burnbanks Village, Former Aberdeen Agricultural Museum
 - 5 Burnbanks
 - 7 and 8 Burnbanks
- 3.21 Historic Environment Scotland (HES) carried out consultation from 03 May 2024 to 24/ May 2024. They consulted directly with owner(s)/occupier(s) and/or tenant(s) and with the planning authority. The planning authority are a statutory consultee regarding planning matters but not in relation to whether a building should be listed or not, this is entirely the remit of HES.
- 3.22 HES concluded the following:
- "3.2.3 Architectural or historic interest. In our current state of knowledge, we have found that the cottages at Burnbanks do not meet the criteria for listing for the following reasons:*
- *Later alterations and the loss of fabric have affected the buildings' ability to convey their architectural and historic interest.*
 - *The buildings' historic character has been adversely affected by later alterations and extensions.*
 - *The buildings form part of a historic fisher settlement however the later alterations have adversely affected their special interest. The buildings now largely appear as a later 20th century housing development that has retained some of the profile and dimensions of the earlier grouping.*

• *As a former fisher houses settlement, there is some social historical interest for its connection to Aberdeenshire’s coastal and fishing history, but in its current form, this interest is no longer sufficiently demonstrated.”*

3.23 To add to HES comments, there have been a number of alterations over the years to both the formally listed properties and the other properties within the Burnbanks Village and as such the historic character has been adversely affected.

Why

3.24 The original cottages were rebuilt and new cottages added to the village. The once modest single storey cottages have all been extended in some form or another over the years. As a result, the original planned form and historic character of the village has been fundamentally altered. It could also be argued that the properties have all maximised their development potential – with, for instance, front porches and rear extensions added to almost every property. The two aerial photos below show the changes in the village and the footprint of the houses between 1988 and the current Google aerial view.



1988 Aerial Photograph



Google Aerial View now

3.25 Since the introduction of the Article 4 direction in 1991, 68 planning and listed building consent applications have been submitted to the planning authority for Burnbanks Village. Given the age of these applications, the status of some is unknown, but of those known, 48 were approved and two were refused, with one withdrawn and one pending. Of those approved, the majority were in the 1990s and 2000s with 22 applications in the 1990s and 30 in the 2000s. The applications were for a variety of proposals including installation of fence doors, greenhouse and fence, painting walls, installation of a conservatory, erection of a porch, replacement windows, attic conversions including rooflight installation, oil tanks, extensions to rear, log cabin, replacement doors and the installation of a rustic arch. From this planning history, it is clear that a significant number of alterations, additions and changes have occurred to Burnbank’s since the introduction of the Article 4 directions in 1991.

3.26 Given the statements from HES, and the fact that all the properties have changed over the years such that none of the properties have their original form, character or historic features, it is considered to be unreasonable and

unjustifiable to continue to control the householder permitted development rights in this area and retain the Article 4 Direction.

Proposed public consultation

- 3.27 For the reasons set out above, it is requested that the committee instructs the Chief Officer – Strategic Place Planning to carry out a six week period of non-statutory public consultation, on the following proposals: -
- Reinstatement of three Article 4 directions within the City Centre; Bon Accord and/Crown Street; and Old Aberdeen Conservation Areas.
 - Cancellation of the Article 4 direction for Burnbanks Village.
- 3.28 The consultation would be undertaken electronically via the Council's new consultation website, Commonplace.
- 3.29 There would also be an opportunity to provide comment via email or letter if wished.
- 3.30 An advert identifying the consultation period and ways to comment would be made available on the website and the local newspaper. This would also include details of any drop-in sessions.
- 3.31 For the City Centre; Bon Accord/ Crown Street; and Old Aberdeen Conservation Areas, letters would be sent to the community councils. A drop in session would be organised for Old Aberdeen and at all other times during the consultation period and normal working hours, appointments could be made with Laura Robertson via the contact details below.
- 3.32 For Burnbanks Village, letters would be sent to the community council and every property within the Village. Furthermore, two event/drop-in sessions would be organised, with dates and times advised within the letter to allow for any questions residents may have.
- 3.33 Subject to committee approval, the results of the public consultation would be reported back to a future meeting of this committee (within the next 6 months) including the recommendations on how to move forward.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the consultation would be covered within existing budgets and by existing staff.
- 4.2 Removal of permitted development rights would not have a significant impact on income.
- 4.3 'Any financial implications relating to the removal of the Article 4 Directions will be covered by existing budgets.

5. LEGAL IMPLICATIONS

5.1 There are no known direct legal implications arising from the recommendations of this report

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <i>*taking into account controls/control actions</i>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Not have controls in place which may erode previous grant and Council funded investment.	Ensure a transparent consultation is undertaken to raise awareness and gauge opinion on both proposals.	L	Yes
Compliance	No significant risks identified	N/A	N/A	N/A
Operational	No significant risks identified	N/A	N/A	N/A
Financial	Not consulting would mean that article 4 directions could not be implemented in the suggested Conservation Areas leading to a waste of investment from previous funding schemes.	The proposal would ensure that control over areas of grant funding can be managed and investment and staff resources spent on these areas is not abortive.	L	Yes
Reputational	Erosion of the historic fabric in the 3 identified Conservation Areas would be abortive of all the work and investment made in these areas over the years.	The proposal would ensure that control over areas of grant funding can be managed and investment and staff resources spent on these	L	Yes

		areas is not abortive.		
Environment / Climate	Not consulting on this proposal would mean that Article 4 directions could not be implemented and there would be potential for the historic environment to be eroded.	The proposal would ensure that control over areas of grant funding can be managed and investment and staff resources spent on these areas is not abortive.	L	Yes

8. OUTCOMES

Council Delivery Plan 2024	
Impact of Report	
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals within this report support the delivery of the following aspects of the policy statement:- <ul style="list-style-type: none"> • Tourism and culture are enhanced by a high-quality historic environment, • Moving the CCMP forward by investing in the City Centre, Grant funding helps repair historic buildings and the improvements made need to be protected.
<u>Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes	The proposal has no impact on the Prosperous Economy Stretch Outcomes of the LOIP
Prosperous People Stretch Outcomes	The proposal has no impact on the Prosperous People Stretch Outcomes of the LOIP
Prosperous Place Stretch Outcomes	The proposal has no impact on the Prosperous Place Stretch Outcomes of the LOIP
Regional and City Strategies Local Development Plan and National Planning Framework 2	This report supports the Local Development Plan and National Planning Framework 2 where it identifies the importance of protection and preserving the historic environment for current and future generation.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	This report relates to a request to carry out a non-statutory consultation on a proposal, a full Integrated Impact Assessment is being developed as part of the process and would be reported to committee at the next

	<p>stage after the consultation process has taken place and fed into the findings. If members agree to the recommendation of this report the follow up report would make include the full IIA..</p> <p><i>I confirm this has been discussed and agreed with David Dunne, Chief Officer Strategic Place Planning on 05.09.24.</i></p>
Data Protection Impact Assessment	Not required
Other	No other impact assessments are required as part of this proposal.

10. BACKGROUND PAPERS

10.1 For ease of reference all legislation links have been included in the report above.

10.2 Committee Paper Review of Article 4 Direction Orders - [Committee report](#)

11. APPENDICES

11.1 Original Article 4 Direction - Burnbanks Village 1991

12. REPORT AUTHOR CONTACT DETAILS

Name	Laura Robertson
Title	Senior Planner
Email Address	larobertson@aberdeencity.gov.uk
Tel	01224 067083

Aberdeen, 6th March, 1991. Certified a true copy of The Town and Country Planning (General Development) (Aberdeen) Direction, 1991

R. Ian Y. Young
City Solicitor

THE CITY OF ABERDEEN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
(AS AMENDED)

THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(ABERDEEN) DIRECTION, 1991

WHEREAS by paragraph (1) of Article 4 of the Town and Country Planning (General Development) (Scotland) Order 1981, (hereinafter referred to as "the order") it is provided inter alia that, if in relation to the district of a district planning authority, the district planning authority are satisfied that it is expedient that all or any development of all or any of the Classes of Schedule 1 to the Order should not be carried out in that district or any particular part thereof, unless permission or approval is granted on an application in that behalf, the district planning authority concerned may direct that the permission granted by Article 3 of the Order shall not apply to all or any development of all or any of those Classes in any particular area specified in the direction;

AND WHEREAS the said Article 3 as read with the said Schedule 1 inter alia permits, subject to the provisions of the Order and to the limitations and conditions in the Schedule, (a) the carrying out of certain developments within the curtilage of a dwellinghouse specified in Class I in Column (1) of Part I of the Schedule; and (b) the carrying out of sundry minor operations specified in Class II in Column (1) of Part I of the Schedule;

AND WHEREAS the City of Aberdeen District Council as district

planning authority for the City District, consider that additional powers of control of development in the area of land described in the Schedule to this Direction should be available to them for the purpose of preserving the character of the original dwellings in the fishing village of Burnbanks, Nigg which are to be restored and rehabilitated and in the interests of maintaining the high standard of design and layout of the new residential development which will henceforward form an integral part of the village and of averting possible future erosion of the intended environment;

NOW THEREFORE, the City of Aberdeen District Council, as district planning authority aforesaid, in exercise of the powers conferred on them by paragraph (1) of Article 4 of the Order HEREBY DECLARE AND DIRECT that the permission granted by Article 3 of the Order shall not apply to any development or operation falling within Class I or Class II in Column (1) of Part I of Schedule 1 to the Order but only in respect of developments or operations within the area of land described in the Schedule to this Direction.

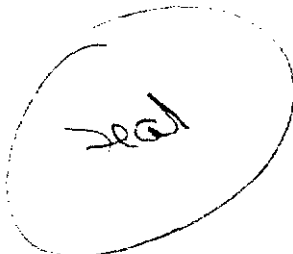
THE EFFECT of this Direction is to require application to be made to the City of Aberdeen District Council for planning permission in respect of developments or operations of the kind described in the immediately preceding paragraph.

The Interpretation Act 1978, applies to the interpretation of this Direction as it applies to the interpretation of an Act of Parliament.

This Direction may be cited as the Town and Country Planning
(General Development) (Aberdeen) Direction 1991.

Dated the Twenty-eighth day of February in the year Nineteen Hundred
and Ninety-one.

Town House,
Aberdeen



_____	<i>M E Taggart</i>	_____	Hotcl.
_____	<i>G. Buchan.</i>	_____	Hotcl
_____	<i>Wm Y. Young</i>	_____	CS

The Secretary of State in exercise of the powers conferred upon him by paragraph (2) of
Article 4 of the Town and Country Planning (General Development) (Scotland) Order 1981
hereby approves the foregoing Direction.

Given under the Seal of the
Secretary of State for Scotland

Assistant Secretary

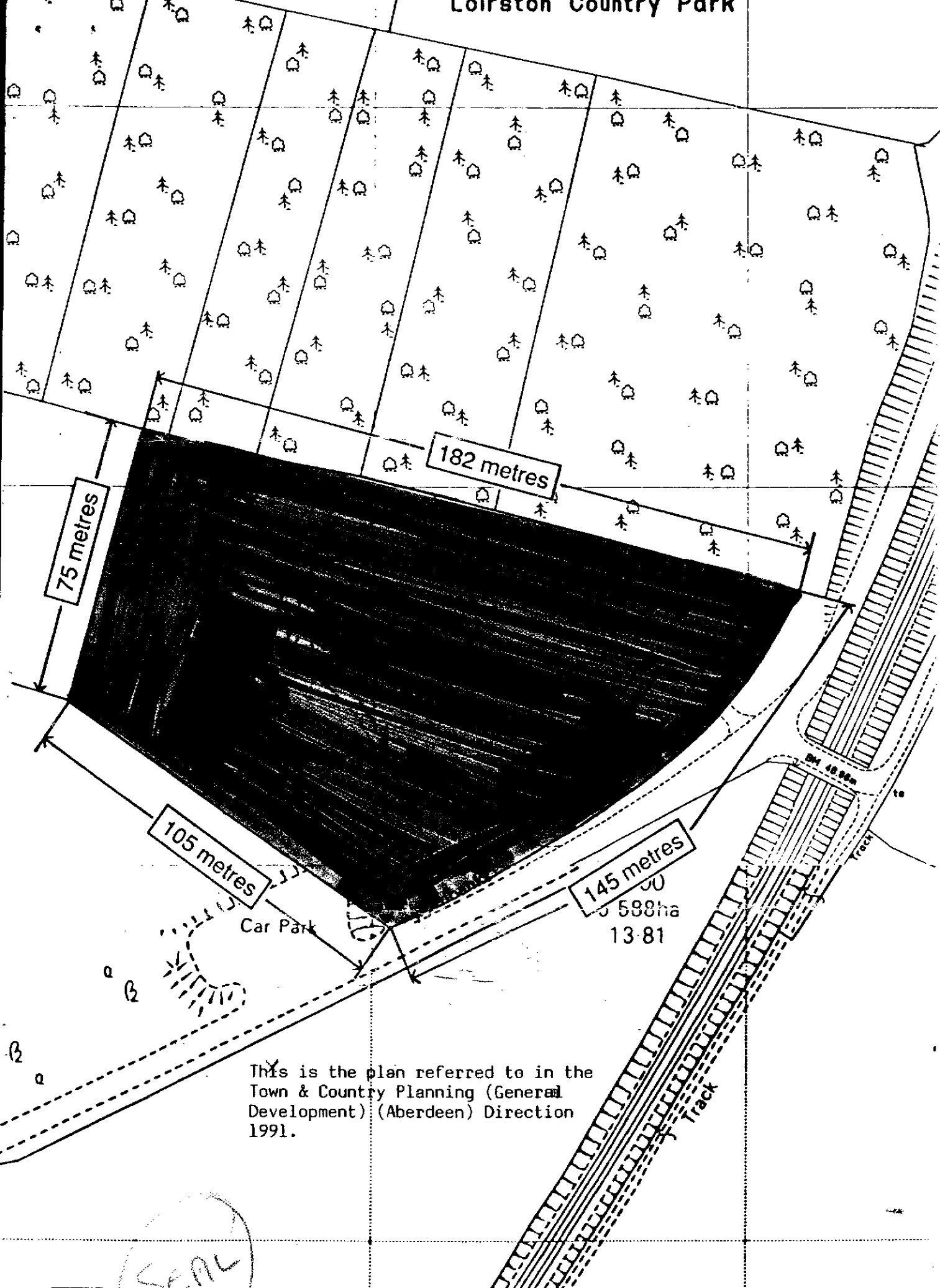
Scottish Office Environment Department
New St Andrew's House
St James Centre
EDINBURGH
10 April 1991

SCHEDULE

That area of land comprising ALL and WHOLE the Village of Burnbanks, Nigg, in the City of Aberdeen and, for land registration purposes, the County of Kincardine, extending to 3.8 acres or thereby and shown delineated in black and coloured red on the plan annexed and signed as relative to this Direction.

Seal

<u>Mr E. Yaxley</u>	M of C
<u>J. Buchan.</u>	M of C
<u>W. J. Young</u>	C.S.



This is the plan referred to in the
 Town & Country Planning (General
 Development) (Aberdeen) Direction
 1991.

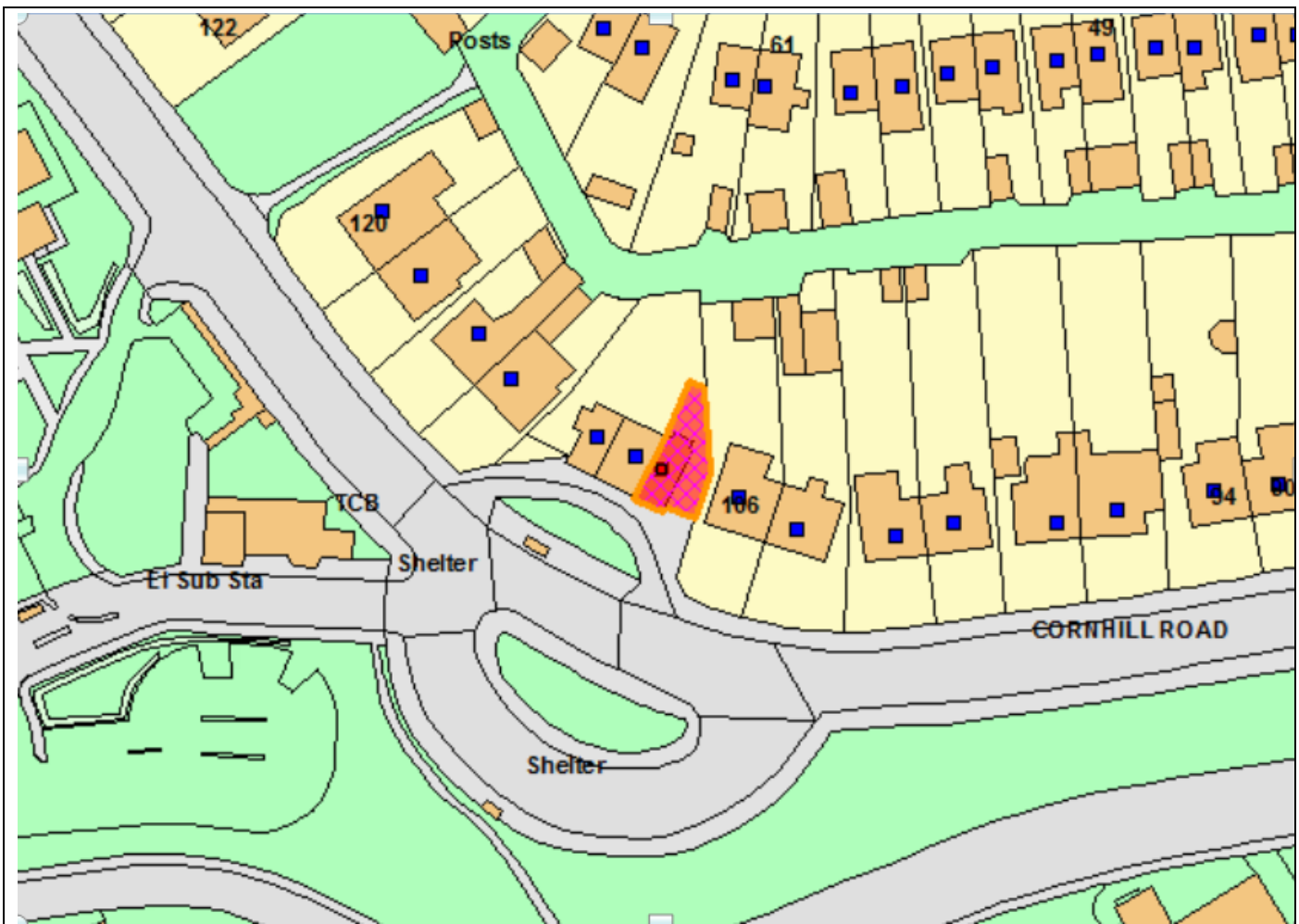
SEAL

Burnbanks, Cove Bay, Aberdeen.	In to Yaxubhai M/C J. Buchan M/C A. Y. Jones C.S.	North ↑ Scale 1:1250
Area 3.8 acres		

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 19 September 2024

Site Address:	108 Cornhill Road, Aberdeen, AB25 2EH
Application Description:	Change of use from class 3 to mixed use class 3 (food and drink) and hot food take-away (sui generis) and installation of roof-mounted extract flue (part retrospective)
Application Ref:	240664/DPP
Application Type	Detailed Planning Permission
Application Date:	30 May 2024
Applicant:	Granma's Kitchen
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount And Mile End



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site is a single storey cafe unit (Granma's Kitchen) within a small parade of commercial units located on an inset road, opposite Aberdeen Royal Infirmary (ARI). The floor space is 46m² and access is via the frontage onto the inset road. The menu indicates that take-away sales from the premises are currently limited to hot drinks. There are three shops within the parade, with the application premises being the most easterly. The central unit (110 Cornhill Road) is occupied by a cafe (Sugar and Creme), which is operated in conjunction with no.108. The westmost unit (112 Cornhill Road) is occupied by a hot food take-away (Ruby Chinese & Thai Carry Out) which operates until 11pm. It has an external metal extract duct mounted centrally on its flat roof. This projects around 1.5m above the roof.

On either side of the commercial units are 1½ storey dwellinghouses, with the ARI complex to the south across Cornhill Road. Although there are bus stops close to the site on Cornhill Road, at the access to ARI, there are currently no associated bus services / routes.

Relevant Planning History

Application Number	Proposal	Decision Date
120456	Change of use from Class 1 (Shop) to Class 3 (Coffee shop)	14.06.2012 Status: Approved Conditionally

The following conditions were imposed on the above planning permission:

“(1) that no frying shall be carried out on the premises unless written approval for a variation has been obtained from the planning authority - in order to prevent the creation of nuisance by the release of cooking odours.

“(2) that the premises shall not be open for business outwith the hours of 0700 and 2000 on any day of the week - in order to protect the existing residential amenity of the neighbourhood.”

Planning permission was granted in 2017 for change of use of the adjacent retail unit (no.110) to class 3 (Food and Drink) use (ref. 171238) subject to the following condition:

“1. For the avoidance of doubt, cooking and/or re-heating operations shall be restricted to the use of a microwave, waffle machine, crepe machine, and coffee machine, unless otherwise approved in writing by the Planning Authority, via a further application to amend this condition.

Reason: In the interest of neighbouring uses general amenity and public amenity.”

Both of the above permissions have been implemented.

A planning enforcement file (ref. ENF240017) was opened in February 2024 following receipt of complaint in relation to the sale of hot food for consumption off the application premises. Submission of a retrospective planning application was requested in relation to regularisation of such activity.

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the premises to a mixed use café and hot food take-away. The kitchen / storage area would be retained at the rear of the building and public counter located facing the frontage. The proposed operating hours are 07.00-16.00 on weekdays and 07.00- 20.00 at weekends.

An external flue would be formed on the rear part of the building roof. This would project around 1.1m above the existing flat roof. It would be located 8m from the adjacent house at 106 Cornhill Road at its closest point. A bin store would be created at the rear of the building, enclosed by a 1.5m high timber slatted fence.

Amendments

The proposal has been amended to relocate the waste storage area to the rear of the building and provide associated screening such that it would be better screened from adjacent housing.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SE8JHLBZG5000>

- Supporting Statement
- Noise and Odour Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received, there is objection from the local Community Council and the recommendation is approval.

CONSULTATIONS

ACC - Environmental Health – No objection. Accept the proposed noise and odour mitigation measures set out in the supporting technical report. Recommend operating time restrictions to protect residential amenity. Request that food deliveries and refuse uplifts shall not take place outside of 07:00 to 19:00 (Monday to Saturday) and 10:00 to 16:00 hours (Sunday).

ACC - Roads Development Management Team – No objection. Welcome the proposed cycle parking. Request that a condition is imposed requiring the installation of a dropped kerb (footway crossing) on the footway adjacent to the site.

ACC - Waste and Recycling – No objection. Request that a condition is imposed requiring waste and recycling bin storage on site.

Scottish Water – No objection.

Rosemount and Mile End Community Council – Object on the following grounds:

- Road safety/ traffic generation.
- Noise / odour disturbance to residents and consequent contravention of Policies 23 (Health and Safety) and 27 (City, Town, Local and Commercial Centres) of National Planning

Framework 4 (NPF4), Policies H1 (Residential Areas) and WB3 (Noise) of the Aberdeen Local Development Plan and the Council's Aberdeen Planning Guidance on Harmony of Uses.

REPRESENTATIONS

A total of 13 objections have been received raising the following matters:

- Adverse impact on residential amenity due to increased generation of odours / cooking smells, noise, refuse / litter and potential late night operation of the premises.
- Residential amenity is already impacted by odour, noise and litter associated with the operation of the existing hot food take-away. Adverse impact on enjoyment of adjacent private garden ground.
- Alleged deficiencies / inadequacy of the submitted noise and odour impact report and supporting statement
- Traffic and car parking generation and associated road safety risks, including pavement parking and home delivery service
- Obstruction of vehicle access to adjacent houses
- Need for provision of cycle parking
- Absence of bus services on Cornhill Road
- Overconcentration of hot food shops and conflict with related ACC guidance regarding Harmony of Uses
- Alleged unauthorised take-away / sale of drink and food for consumption off the premises and operation of food delivery service from the premises.
- Conflict with carbon emissions reduction objectives due to increased traffic.
- Conflict with Scottish Government healthy eating guidance: "Healthier Future: Scotland's Diet & Healthy Weight Delivery Plan"
- Adverse impact on mental health and wellbeing of adjacent residents due to existing and anticipated increased noise/ litter and stress related to aggressive drivers.
- Alleged removal of bollards on the footway adjacent to the frontage of the premises
- The rear garden of the premises is allegedly an eyesore and could accommodate commercial waste bins.
- Existing road safety and traffic management concerns on Cornhill Road, including need for 20 mph limit and cycling on pavement.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant:

- Policy H1 (Residential Areas)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB1 (Healthy Developments)
- Policy WB2 (Air Quality)
- Policy WB3 (Noise)
- Policy VC3 (Network of Centres)
- Policy VC9 (Out of Centre Proposals)
- Policy VC10 (Local Shop Units)
- Policy NE3 (Our Natural Heritage)
- Policy D1 (Quality Placemaking)
- Policy R5 (Waste Management Requirements for New Development)

Aberdeen Planning Guidance (APG)

- Hierarchy of Centres
- Harmony of Uses
- Air Quality
- Noise
- Transport & Accessibility
- Waste Management Requirements for New Developments

Other National Policy and Guidance

- Local living and 20 minute neighbourhoods: planning guidance:

<https://www.gov.scot/publications/scottish-government-planning-guidance-local-living-20-minute-neighbourhoods/>

The above guidance, is intended to assist and support planning authorities, communities, businesses, and others who have key roles in helping to deliver local living. It was published in April 2024 and states that:

“Local living provides people with the opportunity to meet the majority of their daily needs within a reasonable distance of their home. It is centred on supporting people to ‘live well locally’.... “Development proposals should be designed with consideration of the impacts on local living overall and take action to address negative impacts that may otherwise happen. To assist this, development proposers should be prepared to demonstrate how local living can be supported, how proposals respond to context including the existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. NPF4 Policy 15 also sets out a list of considerations to help establish this, but it is recognised that their relevance will vary between applications and contexts.”

Other Material Considerations

- [A Healthier Future - Scotland’s Diet & Healthy Weight Delivery Plan](#)

Action 2.12 of the above, published in 2018, prior to NPF4, states that :

“As part of its forthcoming review of Scottish Planning Policy, the Scottish Government will take into account its commissioned research, to be published this summer, on the relationship between the food environment and the planning system, including how food outlets near schools can be better controlled.”

- [Draft Aberdeen Planning Guidance: Health Impact Assessments:](#)

“Although planning is rarely sufficient on its own to change behaviour and to promote good health, it is necessary in terms of creating the environment that supports people in making healthy choices (such as physical activity, healthy eating and drinking) and that makes those choices easier.”

EVALUATION

Principle of Development

The expansion of activity of an existing authorised café located within a residential area accords with the objectives of NPF4 policy 15 and associated local living guidance as it would provide a supporting service for nearby residents and the adjacent hospital. There is good connectivity with related uses in the wider urban area and convenient access from nearby residential premises, such that there is no conflict with NPF4 policy 13. The compatibility of the proposal with protection of existing residential amenity, ALDP policy H1 and Harmony of Uses APG is addressed below.

Residential Amenity

Given that the nature of the proposed use involves a degree of cooking and sale of hot food for consumption off the premises, and concerns have been expressed regarding impact on adjacent residential amenity, further supporting information and amendment has been required in order to ensure compliance with the expectations of policy and avoid adverse impacts. Notwithstanding that concerns have been raised regarding use as a hot food take-away, that it not what is proposed, as the premises would operate on a mixed use basis, with limited operating hours. Although no frying is permitted, it is noted that the cafe premises already cooks hot food, primarily for consumption on

the premises, which accords with the authorised class 3 use.

As noted in certain objections, the residential amenity of existing housing in the vicinity of the site is affected to a degree by the presence of a long standing authorised hot food take-away premises at no.112, which generates odour, noise and potential late night activity (being open until 11pm). Imposition of a condition specifically restricting servicing and food delivery times, as requested by Environmental Health, would not be appropriate as there is no means of effectively monitoring or enforcing such activities. Furthermore, no conditions were imposed on the original planning permission restricting such activities. The appropriate control would be by means of a condition restricting the operating hours of the premises to prevent late night nuisance, which is proposed, and takes into account the existing operating hours of the premises. Whilst the proposed flue would be significantly closer to the house at no.106 than the existing flue associated with 112, the submitted Noise and Odour Impact Assessment demonstrates that the impact of odours and noise can be addressed by technical mitigation measures. The potential noise and odour impacts of the proposed use can be regulated by use of conditions in order to avoid any significant additional adverse impacts.

The proposal has been amended to relocate the waste storage area to the rear of the building and provide associated screening such that it would be better screened from adjacent housing.

Conditions can be imposed to ensure implementation of the proposed noise and odour control measures, restrict the operating hours of the premises and ensure provision of waste storage facilities on site in response to the concerns raised regarding impact on adjacent residential amenity and in accordance with the objectives of NPF4 Policies 12 and 23 and ALDP Policies H1, WB2, WB3, R5 and related guidance. As regards ACC Harmony of Uses APG, the relevant impacts on amenity are acceptable.

Retail Impact

The site is not identified as part of any retail centre within the ALDP and related Hierarchy of Centres APG. Although not identified as a neighbourhood centre, the commercial units were originally developed as complementary / supporting facilities associated with the wider residential development (in effect a neighbourhood centre). As the proposal does not result in loss of a retail use, there would be no conflict with ALDP policy VC10. Whilst it is likely that many potential customers may be related to the nearby hospital, the proposal would have a positive impact on the vitality and viability of the centre by generation of footfall and provision of a take-away food service which supports the functioning of the wider residential area. The proposed use is appropriate to be co-located with other commercial premises. There is therefore no conflict with the objectives and intent of NPF4 policy 27 and ALDP policies VC3 and VC8.

Overprovision

The site does not lie within the city centre, or a designated centre and does not affect the character and amenity of the neighbouring area / commercial uses. Subject to imposition of conditions, there would be no significant adverse impact on residential amenity. Given that there is only one hot food take-away in the vicinity, the mixed use nature of the proposal and that other cafes / food premises referred to in objection lie considerable distance from the site, the proposal does not result in an overprovision of such premises in the local area or conflict with the overprovision aspect of Harmony of Uses APG.

Design

Whilst the proposed flue would be visible from Cornhill Road, it would be seen in relation to the existing larger flue associated with the hot food take away at no.112 and adjacent domestic chimneys. It would not be a prominent feature in the street scene as it would be substantially recessed from the street and the edges of the building. The bin store would be appropriately located

at the rear of the building, such that it would be screened from public view. Thus, there is no harm to the design quality of the area. The development satisfies the design quality objectives of NPF4 policy 14 and ALDP policy D1.

Health Impact

It is noted that the premises does not lie within a disadvantaged area. Given the mixed nature of the proposed use and existing class 3 use, it would have no substantive effect on community health and wellbeing as the existing and proposed uses have similar health effects. Thus there is no tension with NPF4 policy 27 part c) i.

Given the existing authorised use of the premises as a café it would be unreasonable and inappropriate to require the submission of a health impact assessment regarding the proposed use. As ACC guidance regarding Health Impact Assessment is a draft document currently subject to public consultation, it has limited weight as a material consideration. Any tension with ALDP policy WB1 therefore does not warrant refusal in this instance.

Road Safety / Parking

Given the existing authorised use of the premises as a café, the proposed mixed use would have a marginal effect in terms of traffic generation and no traffic impact assessment is required. Whilst residents have concerns regarding inappropriate driver behaviour, reversing of vehicles onto the public road and obstructive parking on the footway / inset road, those concerns are not shared by ACC Roads Service. There would be no obstruction of driveways or loss of access to nearby houses.

It is noted that there are existing parking controls (double yellow lines) on the adjacent public road. As the proposal does not result in increased car parking provision there is no conflict with ALDP policy T3. ACC Roads Service accept the level of parking proposed and do not request that a condition be imposed in relation to introduction of bollards on the public footway in order to prevent vehicle parking on site. Google Streetview imagery from 2008 demonstrates that the matter of parking of vehicles on the land within the site, and associated overrunning of the footway / kerb, is a long standing issue which predates the use of the premises as a café. The proposal does not involve the formation of additional vehicle parking spaces within the site or in adjacent land. It would not therefore be reasonable or proportionate to require this matter to be addressed by this planning application, as separate powers exist in relation to formation of footway crossings. An advisory note is proposed in relation to that matter. As the proposal results in a reduction of car parking on site, there would be a public safety betterment due to the reduction of reversing of vehicles across the footway.

The proposed cycle parking on site accords with the objectives of NPF4 policy 13, ALDP policy T3 and related APG and represents a betterment relative to the existing situation as there is currently no such parking. The provision of cycle parking and encouragement of electric bike parking on site associated with the use would help to address concerns regarding carbon emissions by potentially displacing existing car trips. The intended use of part of the area at the side of the building for e bike parking associated with the use is also welcome as that would help to reduce traffic concerns regarding reversing and potential car travel associated with ancillary deliveries.

The alleged removal of bollards on the footway adjacent to the frontage of the premises, the need for 20 mph speed limit on Cornhill Road and pavement cycling are matters which are outwith the scope of this planning application. Separate powers exist in relation to investigation and control of traffic management in the area.

Climate / Nature Crises

Notwithstanding the expectations of NPF4 policies 1 and 3 and ALDP Policy NE3, given that no

physical development is proposed, other than minor external works, it would be unreasonable to require the development to address biodiversity or climate change matters. Any such policy tension therefore does not warrant refusal in this instance.

Other Matters Raised in Objection

General concerns relating to impact on residential amenity and traffic / road safety are addressed above. It is accepted that there are no bus services on Cornhill Road, but the absence of such does not warrant refusal.

It is noted that the revised technical noise and odour assessment provided has been assessed by the relevant specialist and found not to be deficient.

The proposal has been amended to include waste bin storage within the rear garden as suggested. The matter of maintenance of the rear garden of the premises is not relevant to consideration of the current application.

Whilst several objections refer to residential amenity being already impacted by the operation of the nearby hot food take-away, that is an existing situation. It is outwith the scope and competency of this application to address impacts associated with a premises which is not under the control of the applicant.

As the premises menu states that certain food elements associated with cooked breakfasts are fried (e.g. eggs), it is apparent that there has been a technical breach of condition 1 of planning approval 120456. However, such a breach has only recently been brought to the attention of the Planning Authority. The relatively minor nature of the breach is not considered to warrant enforcement action. Implementation of the control measures recommended in the proposed planning conditions would address any potential adverse impacts relating to the undertaking of frying on site.

Scotland's Diet & Healthy Weight Delivery Plan has very limited weight as a material consideration in this case as it was published prior to NPF4 and is a strategic document which is not specifically focused on land-use planning.

The alleged mental health impacts associated with the existing use are not a material planning consideration. Given the mitigation measures proposed as set out in the conditions and the mixed nature of the use, the alleged mental health impact of the operation of the proposed use does not warrant refusal.

As regard the alleged food take-away and home delivery services operating from the premises it is noted that no conditions were imposed on the planning permission for class 3 use which precludes such activities and thus no breach exists. Google Streetview imagery indicates that an element of take-away service has been provided from the cafe premises since at least 2014.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed expansion of activity of an existing authorised café located within an accessible residential area accords with the objectives of Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20 Minute Neighbourhoods) within National Planning Framework 4 (NPF4) and associated National Planning Guidance regarding local living as it would provide a supporting

service for nearby residents and the adjacent hospital. Subject to imposition of conditions to regulate the use and its potential adverse impacts on amenity, there would be no conflict with NPF4 Policy 12 (Zero Waste) and Policy 23 (Health and Safety) and ALDP Policy H1 (Residential Areas), Policy WB2 (Air Quality), Policy WB3 (Noise) and Policy R5 (Waste Management Requirements for New Development) within the Aberdeen Local Development Plan 2023 (ALDP) and related guidance. There is no conflict with the objectives and intent of NPF4 Policy 27 (City, Town, Local and Commercial Centres) and ALDP Policy VC3 (Network of Centres), Policy VC9 (Out of Centre Proposals) and Policy VC10 (Local Shop Units). As the proposal does not result in increased car parking provision and appropriate cycle parking is proposed, there is no conflict with ALDP policy T3. The development satisfies the design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking). Any conflict with NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage) and Policy WB1 (Healthy Developments) does not warrant refusal. As regards ACC Harmony of Uses Aberdeen Planning Guidance, the relevant impacts on amenity are acceptable. The traffic and road safety and other concerns raised in objection do not warrant refusal. A condition is imposed to accord with the intent of NPF4 Policy 13 and ALDP Policy T2 (Sustainable Transport) and Policy T3 (Parking).

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - In accordance with section 58 (duration of planning permission) of the 1997 act.

(02) NOISE AND ODOUR MITIGATION

The use hereby approved shall not take place unless the noise and odour mitigation measures specified in section 6.2 of the revised noise and odour impact assessment dated 20/06/24 (ref. 1191212314 – V1) have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved class 3 use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of noise and odours.

(03) WASTE AND RECYCLING STORAGE

The use hereby approved shall not take place unless the proposed bin store, associated screen fencing, refuse / recycling storage and drainage facilities as specified on drawing no. L(00)07 B hereby approved have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to ensure waste storage on site, preserve the amenity of the area and ensure that the bins are suitably screened from the adjacent public road.

(04) CYCLE PARKING

The use hereby approved shall not take place unless the proposed cycle stands as specified on drawing no. L(00)07 B hereby approved have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In the interest of sustainable transport and reduction of vehicle traffic.

(05) OPERATING HOURS RESTRICTION

The use hereby approved shall not operate outwith the hours from 07.00 – 20.00 on any day of the week.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of late night noise / disturbance.

ADVISORY NOTES FOR APPLICANT

01. Footway Crossing

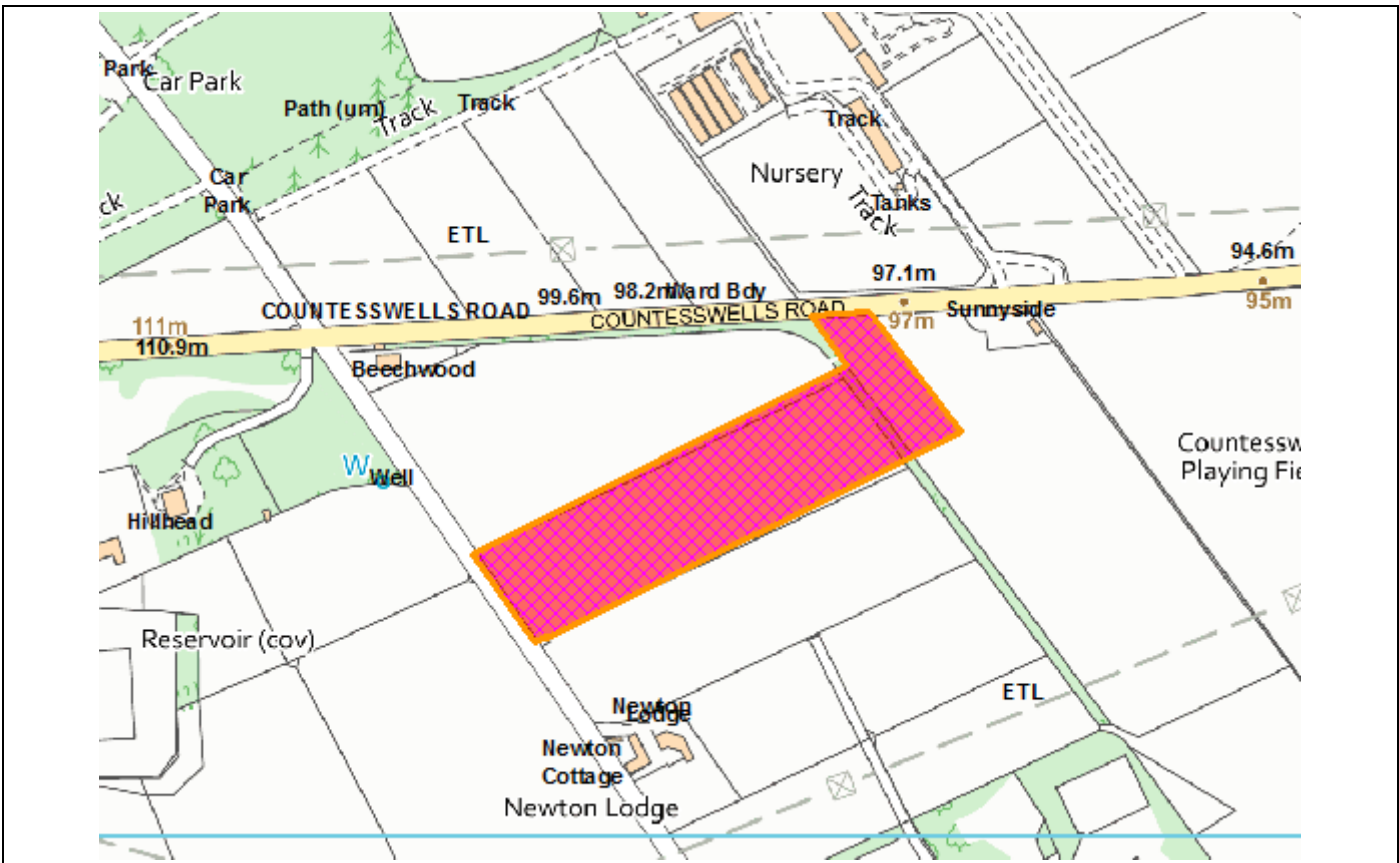
The applicant is advised to apply to the Council's Roads Service via the link below in relation to the need for dropped kerb to allow vehicles to cross the pavement at the site frontage:

<https://www.aberdeencity.gov.uk/services/roads-transport-and-parking/apply-dropped-kerb-or-driveway>

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 19 September 2024</p>

Site Address:	Land at Newton of Pitfodels, Aberdeen, AB15 7AL
Application Description:	Installation of a grid battery energy storage facility (up to 40MW), with associated development
Application Ref:	240614/DPP
Application Type	Detailed Planning Permission
Application Date:	20 May 2024
Applicant:	Flexion Energy UK Storage
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a field currently used for grazing purposes extending to approximately 1.9 hectares in size, located on the southern side of Countesswells Road, west of Aberdeen. The site is bound by a several of trees to the east and west. The immediate surrounding area is predominantly equestrian / agricultural in nature, but there are a number of residential dwellings and their associated curtilages in proximity of the site. The property at Beechwood, is located 114m to the north; Newton Cottage and Newton Lodge are both located 66m to the south and Sunnyside is located 82m to the north east. Robert Gordon's College playing fields are located to the east and Ben Reid garden centre and nursery sit to the north beyond Countesswells Road. The site sits approximately 500m to the north of the Pitfodel's Conservation Area.

The site gradually slopes down from the west to east, with the lowest point being the north east corner, with the overall difference being c. 5m. There is a further slope from south down to the north, but this is gradual. As per NatureScot's guidance on Landscape Character Assessment, the site is located within the Wooded Estates Landscape Character, which is characterised as being a gently undulating landform becoming more rolling to the west, while views tend to be short range being strongly contained by woodland.

Relevant Planning History

230411/PAN – Proposal of Application Notice for the proposed installation of a grid battery energy storage facility (up to 40MW), with associated development – Further Consultation Required, 6 April 2023.

230633/ESC – Environmental Impact Assessment Screening Opinion for the proposed installation of a grid battery energy storage facility (up to 40MW), with associated development – Environmental Impact Assessment Not Required, 26 June 2023.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for the installation of a grid battery energy storage facility (up to 40MW), with associated development on Land at Newton of Pitfodels. The main components of the proposed development would be contained within a 2.4m high fenced compound which extends to an area of c.0.7ha. Most of this area would be covered with gravel, the access would be covered by crushed stone and the only areas of hardstanding would be the pillars or stilts on which the development components sit.

Contained within the wider 2.4m high fenced area would be:

- 240,000 litre Water Tank;
- Low Voltage (LV) auxiliary transformer (2.2m x 1.8m x 2.3m);
- LV auxiliary control cabinet (1.2m x 450mm x 1.6m);
- Customer switchroom (15m x 5m by 3.2m);
- Distribution Network Operators (DNO) substation (5m x 5m x 3.2m);
- Welfare container and storage container (6.1m x 3.3m x 2.6m).
- Infrared CCTV / floodlight columns measuring 4.5m high would be located at regular intervals around the edge of the site compound and these would be the tallest component on site.

A further compound would sit within this and behind the proposed 3m high acoustic fence. This compound would contain:

- Forty eight (48) blocks of battery units (7.8m x 1.7m x 2.9m);
- Twelve (12) associated PCS inverters (3.7m by 2m by 2.5m);

- Twelve (12) battery interface cabinets (1.9m x 746mm x 2m); and
- Six (6) MV skids (5.3m x 2.1m x 2.4m).

The proposed 2.4m high compound fence would be 'V' mesh security fence. It is proposed to plant a willow screen on the north and west facing facades of the 3m high acoustic fence and further planting is proposed along the southern boundary.

The site would be served by an existing single access which would be altered to suit the development providing access to Countesswells Road. Within the site, the access track will be surfaced in asphalt for the first 10m followed by crushed stone / aggregate, ensuring the access road is permeable. Once operational, it is advised that the proposed traffic generation to the site would be low, with smaller vehicles accessing the site on an infrequent basis to carry labour / spares for inspection and maintenance purposes. This is estimated as one vehicle every fortnight.

Surface water would be attenuated via a new sustainable urban drainage system (SuDS) then infiltrated to the ground via a soakaway. Given the access track runs uphill from Countesswells Road to the platform, it will be allowed to drain freely, with surface water percolating through its permeable subbase before running off the subgrade following existing overland flow paths.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SDMXP1BZFPB00>

- Design and Access Statement
- Ecological Impact Assessment
- Flood Risk and Drainage Strategy
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Outline Battery Safety Management Plan
- Pre-Application Consultation Report
- Planning Statement
- Tree Survey and Arboricultural Impact Assessment
- Transport and Access Statement
- Site Selection Report
- Visualisations

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because it is a Major Development in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The application therefore falls outwith the Council's Scheme of Delegation.

Pre-Application Consultation

Following the submission of the Proposal of Application Notice 230411/PAN, the applicant undertook statutory pre-application consultation as required for all planning applications for major developments.

Two public consultation events were held in excess of two weeks apart, both in the Airyhall Community Centre, Countesswells Road on 11 May and 8 June 2023 respectively. The events

were advertised in the local press at least seven days prior to the event. Due to difficulties placing leaflets in the Aldi store on Countesswells Road and the Pavillion at Countesswells Playing Fields, the applicant suggested that in addition to placing a leaflet in the Airyhall Community Centre and sending copies to the five neighbouring properties, they would circulate leaflets to all properties within a 750m radius of the site (646 properties) as an alternative. This was agreed by the Planning Service in April 2023.

Pre-Application Forum

The applicant presented to the Pre-Application Forum on the 25 May 2023, during which the following was discussed:

- Information on the site selection process;
- Engagement with Roads Development Management Officers and undertake any required actions suggested;
- Vehicular Movements;
- Tree loss;
- Screening;
- Acoustic fencing and noise;
- Construction durations;
- Expected lifespan of the proposed development;
- The site would be remotely maintained in most instances, and should anything happen, it would be embedded in the system to contact emergency services. Further liaising with local emergency services; and
- Retention of the drystone dykes.

Minute of the meeting is available [here](#).

CONSULTATIONS

ACC - Developer Obligations – has assessed the proposal and given its scale, it is not considered that the infrastructure (Core Paths and Open Space) would be impacted to the extent that further mitigation is required in the form of financial contributions.

ACC - Environmental Health – has assessed the submitted Noise Impact Assessment and consider it acceptable subject to mitigation outlined in the document, which would be required via condition should the application be approved. The Service also provides details regarding construction noise, which would be an advisory of any approval.

ACC - Structures, Flooding and Coastal Engineering – has no comments to make on this application.

ACC - Roads Development Management Team – has advised that it has no objection to the development. The proposed internal layout is acceptable given that there is adequate area for the low volume of maintenance vehicles that would be required to access the site once operational. There is also access to each battery storage unit for emergency service should that be required. The proposed access, via Countesswells Road, is considered acceptable given the low volume of traffic associated with the development. However, the access would be subject to a Section 56 Roads Construction Consent application.

In relation to the construction of the development, temporary measures may be required, but this falls under the remit of the Roadworks Coordination Team, the applicant is requested to liaise with them on matters relating to construction requirements.

With respect to drainage, the Team has no comments to make but note other Services will provide comments.

Archaeology Service Aberdeenshire Council – has advised that there are no archaeological considerations for this site and there is no further comment to make.

Cults, Bielside and Milltimber Community Council – has objected to the proposal. While the Community Council supports energy storage in principle, there are concerns Battery Energy Storage Systems that are not currently addressed in UK or Scottish Government legislation. It is not clear there is a need to locate this development close to populated areas. Policies within the Aberdeen Local Development Plan 2023 and National Planning Framework 4 do not consider such proposals. The development does not justify the destruction of the Green Belt in Lower Deeside, with the site selection report not providing sufficient information. There is no mention of battery chemistry mentioned in this application which the National Fire Chiefs Council Best Practice Guidance on these developments advises is significant. A full Health and Safety Executive Risk Assessment has not been submitted and should be provided. The aforementioned guidance mentions the spacing of battery containers but the plans provided show no indication of what this distance is. Furthermore, only one access is proposed when the guidance recommends two.

With respect to the Flood Risk and Drainage Assessment, there is no mention of how contaminated water will be dealt with in the event there is a fire, if the capacity of the on-site holding basin is exceeded. There has been no consideration given to toxic fumes and groundwater contamination.

Finally, there is no community benefit with this proposal with no mitigation by way of financial contributions required.

Scottish Environment Protection Agency (SEPA) – has advised that the site falls under the thresholds for which SEPA provide site specific. SEPA has referred to standing advice.

Scottish Fire and Rescue Service – has no comments, but has provided details of the National Fire Chiefs Council Best Practice Guidance on Battery Energy Storage System.

Scottish Water – has no objection, however has noted that the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Further discussions would be required between Scottish Water and the application should the application be approved.

REPRESENTATIONS

One hundred and eight (108) representations have been received (107 objecting and 1 in support). The matters raised can be summarised as follows –

Support

1. Site is suitable and accessible
2. Away from immediate housing
3. If granted conditions will be required for safety
4. Disruption during construction will be short lived and in proportion to benefits
5. Project offers considerable environmental benefits

Objections

Site

6. Development is located in the Green Belt, but there are other more appropriate sites available.
7. Development only permissible in this location if there is an overriding environmental need.

8. Development is highly inappropriate in this location.
9. Environmental argument invalidated by site choice.
10. Development would be located too close to residential properties, other local amenities.
11. Land is currently used for farming (prime agricultural land).
12. Industrial site would be more appropriate.
13. Brownfield site would be more appropriate.
14. Development would be best located at the site of energy generation for maximum efficiency.
15. Development would be better located at the foot of wind turbine generators.
16. Development would set a precedent for further industrialisation of the rural character and landscape.

Health and Safety

17. Health and safety risk during transport of battery to site.
18. Health and safety risk to nearby residents and children during operation.
19. Concerns due to thermal runaway.
20. Impact on public health and wellbeing of nearby residents.
21. Development located close to Robert Gordon's School playing fields.
22. Fire risk due to batteries overheating.
23. Type of development not researched fully and will contain and generate toxic material.
24. Concerns regarding toxins into the air.
25. Concerns regarding toxins in surface water run off should safety features fail.
26. Highly dangerous development.
27. Risk of contamination.
28. Outline Battery Safety Management Plan does not fully meet the requirements of the best practice guidance.
29. The National Fire Chiefs Council guidance requires suitable access with a suggested minimum standard of 6m unless justified, no sufficient justification has been provided.
30. Pollution from vehicles.
31. UK Government have identified failures with such storage systems and well as risks from thermal runaway.

Noise and Disturbance

32. Noise and disturbance during construction and operation, especially at night.
33. This has potential to impact playing fields during construction.
34. Concerns regarding the need for 3m high acoustic fencing when it is stated there will be little noise impact.

Road Network/Access

35. Roads network/infrastructure not suitable for construction vehicles or any vehicles travelling to the site.
36. High level of traffic currently utilising Countesswells Road, but not sufficient.
37. Risk of further damage to the roads network.
38. Development would impact all road users.
39. Impact of the grid connection on the nearby playing fields as the suggested route crosses the only vehicular and pedestrian access to that facility.
40. Route is used by walkers, cyclists and horse riders - activity and noise will result in discouragement of users.
41. Site is directly in the way of a path/ borders a walking trail and is close to recreational paths and woodland.
42. Limited access to site may affect fire vehicle access.

Flooding and Drainage

43. Risk of flooding on site.
44. Private Drainage could be impacted upon.

45. Road network currently floods, issues could be exacerbated.
46. Extensive drainage would be required.
47. Model flood depth needs to be addressed.

Built and Natural Heritage

48. Impact on Pitfodel's Conservation Area.
49. Close proximity to areas rich in biodiversity.
50. Negative impact on environment, biodiversity and wildlife, such as bats.
51. Impact due to loss of trees.

Other Matters

52. Proposal contravenes Aberdeen Local Development Plan and National Planning Framework 4.
53. Further clarification needed on principal policies.
54. Life span of batteries may be as short as 5 years and batteries require replacement posing an ongoing risk.
55. No economic benefit to the local area.
56. Argument that this is needed to support development of sustainably produced energy is disingenuous.
57. Too much Green Belt lost to other developments already.
58. The pursuit of net zero emissions should not serve as an excuse to destroy the countryside or harm the local area.
59. A balanced approach is needed that respects and preserves our natural landscapes while advancing environmental goals.
60. Loss of view and amenity.
61. Connections required for ingoing and outgoing current supplies, but no details of intended connection to network.
62. Responses from consultees are brief and lack detail.
63. Key stakeholders have declined to comment or not been contacted.
64. Drawings and supporting information cannot be assessed or not online.
65. Quality assurance of supporting documentation required.
66. Consultation process (21 days) not appropriate.
67. Planning process not fit for purpose when it comes to accessing these applications.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaption)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 5 (Soils)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 8 (Green Belts)
- Policy 11 (Energy)

- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023

- Policy WB3 (Noise)
- Policy NE1 (Greenbelt)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D6 (Historic Environment)
- Policy T2 (Sustainable Transport)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy I1 (Infrastructure Delivery and Planning Obligations)

Aberdeen Planning Guidance

- Noise
- Landscape
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Flooding, Drainage and Water Quality
- Trees and Woodland

Other National Policy and Guidance

- Energy Storage: Planning Advice (Scottish Government)

Other Material Considerations

- Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services (National Fire Chiefs Council)

EVALUATION

Background

Renewable energy sources, such as wind and solar power rely on the weather to generate electricity. This means that renewable sources cannot adjust to demand from consumers and businesses as easily as fossil fuels and nuclear power can. Therefore, with the national energy system increasingly relying on renewable sources, it will need to be underpinned by technologies that can respond to fluctuations in supply and demand, such as battery energy storage, gas with carbon capture and storage, and hydrogen.

Grid scale battery energy storage systems (BESS) store energy that is produced when demand is lower than supply. The energy stored in batteries can be released when energy demand exists but there is little wind and sun, to ensure the demand can always be met, a process known as “grid balancing”. Without such facilities, excess energy is wasted as any surplus cannot be stored in the electricity network.

The Scottish Government's planning advice on energy storage states that *"A clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland."*

According to the UK Government's Renewable Energy Planning Database, in Scotland as of January 2024, there were 15 operational BESS and 124 BESS that were awaiting a planning application determination or were under construction. Across the UK there were 105 operational BESS and 596 have been given planning consent and are awaiting or were under construction.¹

Principle of Development

Energy Developments

Policy 11 (Energy) of National Planning Framework 4 (NPF4) at a strategic level seeks to encourage, promote, and facilitate all forms of renewable energy development onshore and offshore. In terms of considering planning applications, Policy 11 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, with battery energy storage being listed as one of these technologies.

Similarly, Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan 2023 (ALDP) encourages and supports renewable and low carbon energy schemes in principle, where the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. With the generation of energy being a significant generator of carbon emissions, the decarbonisation of the energy system is an important element of addressing the global climate and nature crises.

These policies establish that the principle of renewable energy developments, such as the proposed BESS, is acceptable and indeed in recognition of their importance in achieving net zero targets, such developments are lent substantial support at both national and local level.

Green Belt

The site is zoned as green belt where Policy 8 (Green Belts) of NPF4 applies and has the aim of encouraging, promoting and facilitating compact urban growth and use the land around our towns and cities sustainably. Development in the green belt is strictly controlled. For proposals to be supported, they must fall into one or more of the categories of development which are acceptable in the green belt as policy exceptions. Thereafter, should they fall into one of these categories, they must also meet a range of other requirements to ensure the integrity of the green belt is retained.

In terms of being an acceptable development type, the proposal falls into two categories of development which are generally permitted in the green belt. The first relates to essential infrastructure, which under Policy 8 of NPF4 is described as *'essential infrastructure or new cemetery provision'* and in Policy NE1 (Greenbelt) of the ALDP as development that *"is directly associated with essential infrastructure such as telecommunications, electricity grid connections,*

¹ [Renewable Energy Planning Database, Department for Energy Security and Net Zero, GOV.UK](#)

transport proposals identified in the Plan or roads planned through masterplanning of sites, if they cannot be accommodated anywhere other than the Green Belt’.

The second category relates to renewable energy, which under Policy 8 of NPF4 is categorised as ‘*minerals operations and renewable energy developments*’ and in Policy NE1 of the ALDP as development that ‘*is related to the generation of renewable energy (wind turbine, solar farm, or hydro scheme) and/or heat*’

As described earlier in the report, given the emphasis placed on achieving net-zero targets and the essential role battery energy storage plays in decarbonising the UK’s electricity network, such developments are therefore considered to be essential infrastructure and related to renewable energy development. Therefore, with it established that the development is of a type acceptable as an exception within the green belt, consideration moves to the second element of Policy 8 of NPF4. This requires five other matters to be demonstrated and addressed, these are highlighted below.

1. Reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
2. The purpose of the green belt at that location is not undermined;
3. The proposal is compatible with the surrounding established countryside and landscape character;
4. The proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and
5. There will be no significant long-term impacts on the environmental quality of the green belt.

Such matters are considered in the subsequent sections.

1. *Reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt.*

As requested, the applicant has submitted a Site Selection Report which explains the site selection process undertaken, identify any potential points of connection to the grid network and any subsequent development sites. The report advises that ‘*BESS facilities can provide a number of services, each of which have a locational factor meaning that the BESS is more effective if located closer to where the benefits on the network would be realised. The locational factors typically involve proximity to areas of high demand, population density and cable density such as population centres, which makes Aberdeen an ideal location for BESS facilities*’.

Given the power capacity of this proposal, it has been identified that approximately 40MW of power capacity could be accommodated on the 33kV network in the Aberdeen area at one of the grid supply point substations. Connection distances depend on the context of the area surrounding the point of connection and the scale of the proposed BESS facility. In this case, a connection distance of 1.5km was determined to be the maximum viable distance for the proposed development. The Site Selection Report identifies all grid point connections with Aberdeen’s administrative area, with only four of seven having suitable capacity for the proposed development. A further three were discounted as there was no suitable land to accommodate the development as any land is either allocated for residential or designated as urban green space.

Within the report, Craigiebuckler substation on Countesswells Road is advised as being significantly less constrained, with extensive land available to its west. As such, it is this substation that the applicant has chosen to progress. In order to identify suitable sites around the Craigiebuckler substation, the applicant has set a number of parameters; the site must be a minimum of 0.8ha site area; be within 1.5km of the grid supply point, i.e. Craigiebuckler

substation; have sufficient access for construction and management; and be located away from sensitive uses. Within the study area nine potential sites have been identified, three of these were identified as falling within the urban area of Aberdeen, of which all were discounted due to the potential impacts on residential amenity in visual and noise terms, flood risk and land being constrained in terms of other extant planning permissions on the site. Of the remaining sites, no brownfield or other sites were suitable to accommodate the proposed development. The report concludes that the applicant believes this to be the best site to accommodate the proposed development, in that it is ready, available and suitable for a BESS, and as such is the preferable site for development.

While the applicant has appeared to provide justification regarding the decision to progress with this site, consideration to the siting of the development in relation to other relevant planning policy, the potential for landscape and visual impact as well as amenity impact also requires to be addressed and this will be done in subsequent sections of this report.

2. The purpose of the green belt at that location is not undermined.

Policy NE1 of the ALDP states that the aim of the Aberdeen green belt is to maintain the distinct identity of Aberdeen, and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the green belt helps to avoid coalescence of these settlements and sprawling development on the edge of the city, maintain Aberdeen's landscape setting, and provide access to open space. The green belt directs planned growth to the most appropriate locations and supports regeneration.

This site has never been developed and has only been used for agricultural purposes and while it is set back from Countesswells Road, it is visible to passing traffic, meaning that this development would also be visible. While mitigation is proposed in the form of a green willow fence to screen the development from the surrounding area, this willow fence is only to be fitted on the north and west façade of the 3m high acoustic fence. The proposed 2.4m high 'V' mesh security fence, would still be prominently visible from the surrounding area. Additionally, the proposal also incorporates an approximately 5m wide access track, for which there is no mitigation.

Such a proposal would result in the creation of a development that is very much industrial in nature and a complete contrast to the site and the landscape pattern of larger agricultural fields in the surrounding context. Furthermore, the screening fence would only partially mitigate the landscape impact of the development as it would only be located on the north and western façades of the acoustic fence. The external compound fence would still be highly visible along the site boundaries and from the surrounding area. Additionally this external security fence would not look like a natural addition to the area, being industrial in character and would be much higher than a typical residential fence. Overall, while the sole purpose of the screening fencing is to 'hide' the development, this would not be successful, with parts of the development remaining visible from Countesswells Road, the road to the west and the neighbouring properties. No increase to the height of the proposed 'green fence' would provide sufficient mitigation in this case. It is also noted that further landscaping is proposed along the southern boundary, however this would take years to establish itself with no mitigation proposed in the intervening period. Overall, it is considered that a development of the type and nature, in this location would undermine the purpose of the green belt by eroding landscape character. The applicant has not been able to adequately demonstrate that this exact site in the green belt is the best location for such a facility, given its unspoilt character and it must be noted that no additional information would provide such a justification.

3. *The proposal is compatible with the surrounding established countryside and landscape character; and*
4. *The proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible.*

Policy D4 (Landscape) of the ALDP indicates that development should avoid adversely affecting the character of landscapes which are important for the setting of the city, including the coast, river valleys and hill landscapes. As previously noted, the site is located within the Wooded Estates Landscape Character, which is characterised as being a gently undulating landform becoming more rolling to the west, while views tend to be short range being strongly contained by woodland. In this case, the site, as it currently stands is relatively open, especially along its northern and southern boundaries which currently accommodates low lying stone walls. The eastern boundary is formed of a low lying stone wall flanked by mature trees and along the western boundary is a post and wire fence and some mature trees. As noted in the section above, from the public road the site is visible and will become more visible during the months when the trees are not in leaf. This is a similar situation when viewing the site from the west, which has relatively open sections from which the site is clearly visible.

A supporting Landscape Visual Impact Assessment has been submitted with this application, which provides images from a number of viewpoints in the surrounding area, both long and short range views, along with photomontages of the proposed development within the landscape. In this case and having reviewed the submitted information, it is clear that owing to its scale the long range views are not a concern and this development would have no impact on these. However, it is the short range views that cause concern when considering the potential impact on the established countryside and landscape character.

It is clear that the proposed development would be visible to some degree, this would be the same for any development given the degree of change that would need to take place. However, in this case and despite the fact that the development would be set back from the public road, due to its stark form and nature, being an industrial use in the countryside, it is not accepted that the development would sit comfortably within the surrounding rural and open context. The proposal would result in an 'alien' type development, which would not be adequately screened by the proposed mitigation. This is made evident by the photomontages, submitted in support of this application.

In respect of visualisation for viewpoint 6, which is taken from Countesswells Road to the north west of the site, there is some ambiguity as to whether this shows the true representation of what the site would look like if the development was approved. What can be seen is the top of the 'green' acoustic fence, but there is no reference to the 2.4m high security fence also proposed along that boundary. While the area does slope upwards towards the site and there is a wall currently in place, it is not accepted that these aspects alone would hide the proposed security fence. It is the opinion of the Planning Service that this would still be clearly visible. Additionally, this visualisation does not show the taller aspects of the development, i.e. the CCTV poles.

Turning to viewpoint 7 and its visualisation, it is clear that the proposed development would be clearly visible from the east as you travel along Countesswells Road, regardless of the existing tree belt located along the eastern boundary. Furthermore, there are some inaccuracies with this visualisation as it does not show what impact the proposed 5m wide access track would have on this rural area.

The visualisation associated with viewpoint 8 shows the proposed landscaping along the southern boundary to be established advising that this is what the site will look like in 10 years, however this does not take into account the intervening period, during which the site would be highly visible from the south west.

With regards to visualisations associated with viewpoint 9 and 10, while it is appreciated that to some degree the existing landscaping that abuts the southern part of Countesswells Road would provide some natural screening, this would only be when the trees are in leaf. No consideration has been given to when the trees are not in leaf, which would be a significant portion of the year.

Given the above, it is not accepted that this development would have no impact on the landscape and established visual character of the surrounding area. From the information submitted, it is evident that the development would be clearly visible and this is regardless of any screening proposed, which appears to be inadequate considering the nature of this proposal. It should also be noted that no level of mitigation would be sufficient given the nature of the development and the sites location.

Further to the overall impact on the general character of the green belt and the visual impact caused on the greenbelt which is evident from the visualisations provided, what also needs to be considered is the potential impact on those dwellings that would be sited in close proximity to the development.

While Sunnyside, the property located to the north east of the site, would appear to be unaffected due to the existing tree belt, what has been demonstrated in the visualisation for viewpoint 7 shows otherwise. This visualisation, as noted above, shows that there would be a visual impact and the proposed development would be visible through the existing trees. Additionally, no consideration has been given to the impact the proposed access track would have. Therefore, there are significant concerns regarding the impact on the property at Sunnyside.

Robert Gordon's College playing fields, are located to the east, and while the site and thus the development would be visible, it would not be to a degree that causes undue concern, this is largely owing to the separation between the two.

It is the properties at Beechwood to the north and Newton Cottage and Newton Lodge to the south that will be most affected by the proposed development. While the applicant is proposing to screen the development via the proposed 'green' fence, parts of the development, including the 2.4m high security fence would still be clearly visible and while additional landscaping to the south is proposed, as mentioned above, this would take years to establish itself. Furthermore, as mentioned further in this evaluation, owing to fire risk, this landscaping will have to be maintained and therefore, it would never have a natural appearance like the existing tree belts located to the east and west of the site. Furthermore, the site is in a prominent location in relation to these dwellings and is clearly visible from both the properties and their curtilages. As such, despite the mitigation that has been proposed, which is not accepted as being sufficient, this development would have a clear visual impact on these properties owing to its unnatural appearance.

As has been highlighted above, this site is an undeveloped green belt site, which is located within a largely undeveloped rural setting. Although small scale in terms of the extent of the development and its overall height, this proposal would result in irregular activity and development that is wholly industrial in nature. This would be in stark contrast to the existing situation and its surrounding context, and although national and local policies do support such developments, they still need to be sited appropriately and in this case, the level of change that would be experienced within the surrounding area would be too significant. Due to their urban/industrial appearance battery storage facilities are better located within, or immediately adjoining, the built-up area rather than, as is proposed, in a location remote from built development and alien to the rural landscape character of the immediate surroundings. Overall, the development cannot be supported owing to its impact in terms of visual amenity, especially for those properties located directly to the north and south.

Given the overall form and finish of the development, there would be a significant degree of change for those in the surrounding area, especially the properties that sit to the north and south, which cannot be accepted.

5. There will be no significant long-term impacts on the environmental quality of the green belt.

The site, given its open grassland nature, has limited ecological value and the applicant has indicated that the land had not been identified as Prime Agricultural Land (as identified through the James Hutton Institute Agricultural Land Use Maps), as it falls within classification 3.2 - land capable of use as improved grassland. However, the land is recognised as being capable of average production through high yields of barley, oats and grass.

Policy 5 (Soils) of NPF4 relates to impact on soils. Part a) of Policy 5 states that proposals will only be supported if they are designed and constructed in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land and protecting soil from damage including from compaction and erosion, and that minimises soil sealing. Part b) details that development on Prime Agricultural Land, or land of a lesser quality that is culturally or locally important for primary use, as identified by the ALDP, will only be supported where it is for a limited number of uses, including essential infrastructure and the generation of energy from renewable sources. Given the nature of this development, the proposal complies with part b) of Policy 5 of NPF4, however part a) still needs to be given consideration and this has not been addressed by the applicant. It is considered that, as this development would see a currently undeveloped site disturbed by this development and given the extent of development required, the soil would be impacted upon and fundamentally not protected, resulting in a conflict with Policy 5 of NPF4 and therefore resulting in some impacts on the environmental quality of the green belt as required by Policy 8 of NPF4.

Representations

Several objections highlighted concerns regarding the site's location in the greenbelt, these are numbered 6 – 16 in the above section. These matters have all been addressed above and no further action is required. In respect to comments 12, 13 and 15, as per legislation requirements, the Planning Service is required to assess this application on its own merits, whether this development would be best placed on other sites is not relevant. In respect to comment 16, as every application is assessed on its own merits and against the considerations of the Development Plan, matters relating to precedent are not relevant.

Summary

In summary, while these type of developments can be supported in the greenbelt, their location needs to be deemed appropriate, with the main concern of this proposal being that the development would undermine the purpose of the green belt. As has been highlighted above, the proposal is not compatible with the surrounding established countryside and landscape character and will have a significant visual impact on the green belt as well as those properties located to the north and south of the site, this is due to its siting and in general the nature of an industrial development within a rural and largely undeveloped context. As such, the proposal conflicts with a number of criteria of Policy 8 of NPF4 and as a result is also contrary to Policy NE1 (Green Belt) of the ALDP. In light of this, the principle of development cannot be supported.

Economic Benefit

Policy 11 (Energy) of NPF4 explains that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities.

Battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets, by increasing the productivity of renewable

generators elsewhere on the grid. The provision of a secure electricity system brings economic benefits across the national economy. The construction and decommissioning of the development presents supply chain opportunities for business and would contribute to local economic activity.

Economic benefit has been highlighted as a concern as comment 55, but this matter is now addressed.

Project Design and Mitigation

As well as supporting energy developments in general, Policy 11 (Energy) of NPF4 expects the design of projects and any associated mitigation measures to demonstrate how a number of impacts can be addressed. Many of these matters are aimed more towards considering large scale renewable projects, such as wind farms, nonetheless each is considered in relation to this application. Policy R7 of the ALDP also contains such criteria, much of which reiterates that in Policy 11 of NPF4, however where there are additional requirements, they are highlighted in the relevant part of the discussion or considered at the end of this section.

In considering all these impacts, Policy 11 of NPF4 requires significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The significant weight required to be given to the global climate and nature crises by Policy 1 of NPF4 must also be considered. The substantial support for the principle of the development should not be outweighed by other matters, unless it can be demonstrated that significant harm would be caused.

(i) impacts on communities and individual dwellings, including, residential amenity, visual impact, noise, and shadow flicker.

Policy 14 (Design, Quality and Place) of NPF4 is relevant and requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy D1 (Quality Placemaking) of the ALDP contains similar provisions.

Given the distance from residential properties, the matter of residential amenity is a significant concern. With respect to visual impact, this matter has been considered above and as noted there are significant concerns regarding the siting of this development and the impact on the closest residential properties to the north and south. While screening is proposed, in the form of a green fence with willow planting, this does not mitigate the development given it only screens part of the development. As such, the proposal does not comply with Policy 14 of NPF4 and Policy D1 of the ALDP.

With respect to noise, there is the potential for the equipment to generate sound which could adversely affect nearby residential properties. Policy 23 (Health and Safety) of NPF4 explains that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. Similarly, Policy WB3 (Noise) of the ALDP indicates that there will be a presumption against noise generating developments, as identified by a noise impact assessment, being located close to noise sensitive developments, such as existing or proposed housing, without suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

In support of this application a Noise Impact Assessment (NIA) has been submitted and reviewed by the Environmental Health Service and it is deemed to be acceptable with A-weighted sound power levels not exceeding those detailed in Section 3.3.1 of the NIA. However, the Service notes that prior to construction of the BESS, the warranted sound power levels, number of items and location of the chosen plant will require to be checked against the assumptions considered in the

assessment and where the proposed items are found to vary (i.e., in sound power level, location or number) an updated assessment shall be undertaken to confirm that the operational noise levels meet the relevant criteria (noise limits). Such a matter would need to be conditioned.

Additionally, a 3m high acoustic grade fence (minimum surface density of 12 kg/m²) is required to be installed around the proposed development as detailed on the submitted plans.

Provided the above works and recommendations have been carried out, it is advised that the proposed development would be acceptable from a noise perspective with no significant impact on the surrounding residential amenity. The proposals would therefore be in accordance with Policy 23 of NPF4, Policy WB3 of the ALDP and its associated Aberdeen Planning Guidance on Noise.

Concerns regarding noise have been raised within submitted representations, and these also identify potential for construction noise. In relation to the latter, it is inevitable that there would be some disruption during construction, but the applicant would be required to adhere to reasonable working hours. Where complaints are received enforcement action may be initiated under the Control of Pollution Act 1974 by the Council's Environmental Health Service. Given the above, the concerns identified as comments 32-34 have been addressed above.

With respect to lighting, the CCTV utilises a discrete infra-red system, ensuring that no artificial light will be used on site for security purposes and lighting will only be directed into the site. Furthermore, the Planning Service has been advised that all lighting provision within the site will be switch-activated (with only the column located at the entrance and the column located on the south, next to the welfare container, being motion activated). This means that unless specific maintenance is being conducted on site, all lights within the site will remain off, thus not impacting on the surrounding area.

In terms of other aspects of amenity, the distance between the site and any surrounding uses ensures there would be no impact on daylight availability or overshadowing. Shadow flicker is associated with wind energy development, with none being generated by the proposed facility.

In terms of residential amenity, while some aspects would not have an unacceptable impact on residential amenity, there are likely to be significant impacts due visual impact. Overall, the acceptable matters do not outweigh these concerns.

(ii) significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

This matter has been considered under the green belt assessment.

(iii) public access, including impact on long distance walking and cycling routes and scenic routes.

The public road to the north of the site and the road to the west are at times utilised by both walkers and cyclists, but there would be no significant impact on these as a result of this development. In addition, the site itself does not accommodate any core paths or rights of way, thus there is no conflict with Policy NE2 (Green and Blue Infrastructure) of the ALDP.

A number of representations highlighted concerns with regards to the road network and access, these are highlighted as comments 40 and 41, however given the above assessment, there would be no impact on the usability of the surrounding network.

(iv) impacts on aviation and defence interests including seismological recording.

There is no requirement to consult Aberdeen International Airport or helicopter operators in relation to the application. No impact on aviation or defence interests is anticipated.

(v) impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.

No impacts on telecommunications and broadcasting installations are expected.

(vi) impacts on road traffic and on adjacent trunk roads, including during construction.

Policy 13 (Sustainable Transport) of NPF4 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably and Policy T2 (Sustainable Transport) of the ALDP has similar provisions.

The submitted Transport and Access Statement indicates that, once operational, the facility would generate very infrequent vehicle trips, with the statement advising that it is unlikely that there would be more than one visit a month to undertake routine maintenance. This would have no discernible impact on traffic levels or road safety on the local road network or trunk roads. The statement has been reviewed and accepted by the Roads Development Management Team.

It is anticipated that there would be an impact during the construction of the development, if approved, however as advised in the supporting statement *'the traffic flows on roads local to the site will be subject to minor increases during the construction period, but this will be a temporary effect, distributed over some 8 months'*. Given that this is a relatively short period of time, the impact associated with the construction phase is unlikely to be to significant on the surrounding area.

A number of representations highlighted concerns with regards to the road network and access, these are highlighted as comments 35 to 38, however no concerns were raised by the Roads Development Management Team regarding the impact on the local roads network. This matter was considered in the Transport and Access Statement in terms of trip generations and is deemed to be satisfactory.

(vii) impacts on historic environment.

The site, in respect to built heritage, is undesignated and does not accommodate any listed buildings or scheduled monuments. The closest listed buildings are located in excess of 600m south west of the site and thus the proposal would result in no undue harm to their special character.

As noted in the application description, the Pitfodells Conservation Area sits approximately 500m to the south. While this is noted as an area of concern for those who submitted representations, given the low lying nature of the development, the distance of the application site from the northern boundary of the conservation area, the topography of the land and the existing landscaping, there will be no undue harm to the conservation area as a result of this development.

This matter was raised within the representation submitted, comment 48 as highlighted above, however this matter has been considered and the proposal does not conflict with Policy D6 (Historic Environment) of the ALDP and Policy 7 (Historic Assets and Places) of NPF4.

(viii) *effects on hydrology, the water environment and flood risk.*

Policy 22 (Flood Risk and Water Management) of NPF4 expands on these matter and aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy NE4 (Our Water Environment) of the ALDP has similar provisions. To address these matters the applicant has produced a drainage impact assessment.

In terms of flooding, the site has not been identified at being at any particular risk from fluvial, tidal or surface water flooding, however it is noted that there is some potential surface water flooding to the west of the proposed access and to the north beyond Countesswells Road.

The proposed drainage scheme has been considered and highlighted within the supporting Flood Risk and Drainage Strategy. The report indicates that surface water runoff from the platform would be discharged to an infiltration basin and infiltrated to the ground through soakaway. Surface water runoff from the road will be allowed to runoff the existing subgrade, with any exceedance flows being conveyed through a cut-off drain to a depression in the north-east of the site to prevent flooding to Countesswells Road. This is considered acceptable given the area of the road is very small (c. 460m², approximately 6.2% of the site developed area) and it will be constructed from a gravel permeable build-up. There are no foul drainage requirements for this proposal/site. Representations with concerns regarding an increase in the risk of flooding as a result of this development, have been received and are highlighted as comments 43 to 47, however this matter has been considered and addressed above and there are no concerns from the Structures, Flooding and Coastal Engineering Team.

Concerns regarding risk of contamination have been raised within the submitted representations, comment 27, but the applicant has advised that in the event of any fire at the development which would require water to be used in order to facilitate firefighting, water emissions from firefighting efforts will be captured by the site's own drainage system, ultimately being collected in the detention basin. Following an event, captured contaminated water would be removed by an appointed contractor, with any necessary remediation works being undertaken. The applicant advises that contaminated water will be disposed of safely and appropriately in accordance with the relevant guidelines and regulations.

The drainage proposals are acceptable and thus in compliance with the above policies.

(xi) *biodiversity including impacts on birds.*

Policy 3 (Biodiversity) and Policy 4 (Natural Places) of NPF4 both seek to protect biodiversity and to protect, restore, and enhance natural assets making best use of nature-based solutions. Policy 4 of NPF4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy NE3 (Our Natural Heritage) of the ALDP has similar provisions.

The site comprises an area of grassland and a tree belt and an Ecological Impact Assessment has been submitted in support of the proposal. The assessment has been reviewed by the Council's Climate and Environment Policy Team and is found to be appropriate. Overall, the impacts on existing habitats will be minimal owing to the extent of the development and the nature of the site, but it is noted that some mitigation and enhancement is proposed and should this be implemented The proposal is acceptable in terms of impacts and enhancement of the natural heritage on site.

Concerns have been raised regarding any impact on biodiversity and any species, these are highlighted within comment 49 and 50 above. Given the information provided in the submitted

assessment and the comments from the Climate and Environment Policy Team, these concerns have been addressed.

(x) impacts on trees, woods and forests.

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland and trees. It goes on to say that Development proposals that “*enhance, expand and improve woodland and tree cover will be supported*” and that “*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value*”. Policy NE5 (Trees and Woodland) of the ALDP largely reiterates these aims.

The proposal has been supported by a Tree Survey, which has been reviewed by the Council’s Climate and Environment Policy Team. The survey states that only two trees require to be felled, these are identified as trees 47 and 49 on the submitted survey. However, this is due to the condition of the trees rather than felling necessary for the development. The Arboricultural Impact Assessment however, advises that two trees require to be felled for the proposed access, these are identified as 136 and 154 on the submitted plans. The Climate and Environment Policy Team advise that the overall impact will be minimal in terms of impacts on tree. However, as the proposal would see the formation of an access track, which is proposed to break through a gap between trees, this does result in construction taking place within the root protection areas of multiple trees.

It has been highlighted by officers in the Environmental Policy Team that given the species in question, (beech), it is likely that they will not tolerate such disturbance and a significant change to their rooting environment in the long-term. Therefore, it is likely that the trees will decline in health over a period of time. So, while there would be little impact on trees overall due to the number being felled, it is likely that trees will be impacted upon due to the proposed access routes. This is not in accordance with the aforementioned policies.

While the proposal would see the provision of new landscaping along the southern boundary, comprising ten native and naturalised tree species, which would connect the existing tree belts to the east and west, this is not considered sufficient to mitigate against the long term impact on mature trees. As such, the proposal conflicts with Policy 6 of NPF4 and Policy NE5 of the ALDP.

The Arboricultural Impact Assessment notes that a cellular confinement system would be installed where the proposed access route impacts on root protection areas, but in this case no specific details have been provided and such information could be requested via condition should the application be approved. The proposed tree protection plan also shows an extent of tree protection fencing proposed where the new access into the site would be formed, no details of these protection measures have been provided, but this could be dealt with by condition if required.

The loss of trees has been highlighted within several representations as comment 51, but this matter has been addressed above.

(xi) proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration; and (xii) the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

Policy 12 (Zero Waste) of NPF4 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy.

It is anticipated that the proposed facility would be operational for 40 years and would then be decommissioned and the land restored to a suitable state.

(xiii) cumulative impacts.

In addition to the matters covered by both Policy 11 of NPF4 and Policy R7 of the ALDP above, Policy R7 also requires that proposals for all energy developments to consider two further factors –

(i) will not negatively impact on air quality.

The battery energy storage facility would not emit any emissions and its use in the wider scale would assist in the transition to renewable energy sources, thereby indirectly reducing emissions from non-renewable energy sources and improving air quality.

(ii) will not negatively impact on tourism

There are no specific tourist activities associated with the site or surrounding area.

Summary

In summary, both Policy 11 of NPF4 and Policy R7 of the ALDP require decision makers to give significant weight to the benefit which the development of renewable energy project in terms of reducing carbon emissions. However, the criteria contained within Policy 11 of NPF4 in terms of potential impacts have not been satisfactorily addressed due to the likely significant impact on the landscape character and the rural countryside and due to visual amenity, especially for those residential properties located closest to the proposed site. As such, the proposal fails to comply with Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. There are also conflicts with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of ALDP due to the loss of trees and the potential long term impact on a number of beech trees located along the eastern boundary. These concerns are not outweighed by any other matters considered above, or the benefit of reducing carbon emissions. As such, the proposal fails to meet the criteria of Policy 11 of NPF4 and Policy R7 of the ALDP.

Health and Safety

Although safety incidents for battery storage energy systems are rare, a common concern is the potential fire risk from the lithium-ion batteries which are used. Lithium-ion batteries can catch fire because of a process known as “thermal runaway” which can occur, if for example, part of a battery is damaged or there is a manufacturing fault. This concern is reflected in numerous representations.

Policy 23 (Health and Safety) of NPF4 does not cover such developments specifically, however it has a general intent to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

There are no specific planning or health and safety laws relating to battery energy storage systems. However, they are typically subject to general health and safety laws that impose obligations on all employers.

Planning Advice Note 51 (Planning, Environmental Protection and Regulation) explains that planning decisions should always be made on planning grounds and in the public interest. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Even where legal or administrative measures outwith the planning system may exist for controlling a particular activity, this can still be a consideration to which weight is given in reaching a planning decision.

Therefore, whilst health and safety is a legitimate material planning consideration, in considering the planning application the focus should be on locational, design and layout aspects of the proposal,

rather than any concern with the principle of using such technology or the technical design of equipment, which is controlled by health and safety and other legislation and industry standards.

To demonstrate that safety has been an integral part of the design process, the applicant has submitted an Outline Battery Safety Management Plan, which provides information on the fire safety management, explaining that the layout has been designed with the 'requirements of firefighting as a key principle', with additional space provided on the site to allow for additional equipment that may be required by the fire service.

Although not a statutory consultee in the planning process, the Scottish Fire and Rescue Service (SRFS) has been consulted on the application. The fire service highlighted the document '*Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services*' published by the UK National Fire Chiefs Council's (NFCC) in April 2023, which it would expect the applicant to consider in designing the facility. In respect to this guidance, the applicant has taken its contents into account when designing this facility, however, there are some areas where the proposal does not strictly adhere to it. For example, the guidance suggests that a standard minimum spacing of 6m between batteries, however in this case only 4m is proposed. The guidance goes on to state that if the applicant intends to reduce distances, then a clear, evidence based, case for the reduction should be shown.

In this case, the site layout shows a separation distance of 4m between the battery units. Comments were requested from the agent in response to this and they have advised that '*of all of the operational BESS facilities across the UK (of which we understand there to be c.100 now), we are not aware of any with a spacing of 6m between units. Typical spacing of battery units within BESS sites is 2-3m – less than the 4m proposed here, which has been designed to ensure access for emergency services*'. The agent also advised that '*By contrast, the National Fire Protection Association (NFPA) 855 standard is an internationally recognised and globally implemented benchmark standard for BESS fire safety which is recommended by the UK Department for Energy Security and Net Zero ('DESNZ') in their 'Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems' guidance (published March 2024). For lithium-ion BESS (as is anticipated in this development), the current NFPA 855 standards dictate that a minimum of 1m spacing is permissible between units where mitigation measures such as UL9540A testing has taken place. UL9540A is an internationally recognised battery testing certification which the applicant requires of all of their supply chain partners*'.

The applicant goes on to advise that the NFCC guidance is in the process of being updated, section 17 of the draft guidance considers spacing between battery units and removes the reference to the 6m minimum. Rather, as a backstop, the updated guidance refers to NFPA 855 and UL9540A and a minimum spacing of 1m as described above, which the proposed development exceeds significantly.

In this case, the SRFS has not provided comments specific to the spacing between batteries, however the Planning Service must take into account that this is only guidance, not a legislative requirement and considering the justification provided above and the fact that new guidance is currently being consulted upon which removes the 6m spacing suggestion, then the proposed spacing of 4m can be accepted, noting that it is well in excess of the NFPA 855 requirements.

The NFCC guidance also provides a suggestion of an initial minimum distance of 25m between occupied buildings and the site boundaries. As highlighted above, this minimum distance is exceeded, with the closest properties being 66m away. Representations submitted raise concerns that the site is located too close to the Robert Gordon's College playing fields to the east, however as this is not an occupied building, the above separation distance does not apply. However, as the playing fields are in approximately 70m from the eastern boundary of the site, with the main facility being well in excess of 150m, there are no significant concerns regarding safety.

The guidance goes on to state that *'Areas within 10 metres of BESS units should be cleared of combustible vegetation and any other vegetation on site should be kept in a condition such that they do not increase the risk of fire on site. Areas with wildfire risk or vegetation that would result in significant size fires should be factored into this assessment and additional cleared distances maintained as required'*. This proposal does meet the guidance in this respect, with the battery facilities themselves in excess of 40m from the eastern boundary and in excess of 70m from the western boundary.

With respect to the southern boundary, additional landscaping is proposed as highlighted above, however this sits within 10m of the proposed compound. In respect of this, the Outline Battery Safety Management Plan advises that *'Areas within 3m on each side of the outdoor BESS shall be cleared of combustible vegetation or other combustible growth as stated in NFPA 855'*. There appears to be some inconsistencies with regards to the advice provided within both documents, but fundamentally this will be for the applicant to manage to ensure safety within and around the site.

With respect to site access, the NFCC access states that suitable facilities for safely accessing and egressing the site should be provided and designs should be developed to include; at least two separate access points to the site to account for opposite wind conditions/direction; roads/hard standing capable of accommodating fire service vehicles in all weather conditions, with no extremes of grade; a perimeter road or roads with passing places suitable for fire service vehicles; Road networks on sites must enable unobstructed access to all areas of the facility; and turning circles, passing places.

In this case, the applicant has advised that *'The facility design has placed significant importance on the access of the fire and rescue services. Security access, road widths and turning arrangements are designed to allow the fire service to access the site safely and efficiently'*. While only one access point is provided off Countesswells Road, the applicant advises that the access road has been designed to enable fire engine access to all containers and there is suitable space surrounding the site so that in the event that fire services were required to attend the site, there is suitable access. For example, an additional gated entrance is proposed along the site's western boundary, although no vehicular access is proposed here, there is an area to the west of the site which could be utilised if required. So again, while the proposal does not meet the suggested requirements of the aforementioned guidance, the site has been designed in such a way that fire safety and safety in general is of the utmost importance. Once again as this is only guidance rather than a legislative requirement, the Planning Service are unable to require these changes are made.

A number of health and safety concerns have been highlighted in representations; these are identified as comments 17-19, 21, 22, 28, 29, 31 and 42, these matters have been addressed above.

Further to this, the comment 20, raises concerns regarding impact on public health and wellbeing of residences, while this is a material planning consideration, there is no evidence to suggest that such a development would impact upon public health.

In summary, whilst the facility would be located in proximity to residential properties and playing fields, it exceeds the recommended minimum distance from occupied buildings. In the unlikely event an incident does occur, the layout and design of the facility has been planned to limit the impact of such an incident, through the spacing of battery units, enclosure of the compound and providing emergency services with suitable access to respond. Otherwise, as with a wide range of other activities and industries, the health and safety aspects of the design and use of the facility are governed by non-planning requirements which the applicant must adhere to. There are no objections from the SFRS, as such the concerns highlighted above and those identified as 23 -26 and 30 have been addressed.

Climate Mitigation and Adaptation

Policy 2 (Climate Mitigation and Adaptation) of NPF4 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It goes on to require development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change. In this regard, the site is not at any known risk of flooding, with drainage proposals designed to accommodate anticipated future rainfall. More generally, the development itself would contribute towards minimising emissions by allowing renewable energy to be used to its full potential.

Planning Obligations

The Developer Obligations Team has assessed the proposal and given its scale, it will not impact on either the core paths or open space infrastructure to the extent that further mitigation is required in the form of financial contributions. As such, no further action is required in relation to Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

Community Council Comments and Representations

The Cults, Bieldside and Milltimber Community Council has objected to the proposal due to lack of the following; a justification regarding its siting within the Green Belt, a HSE Risk Assessment, adherence with the NFCC Best Practice Guidance. Additionally, there is no clarification on the spacing of battery containers and only one access is proposed. With respect to the Flood Risk and Drainage Assessment, there is no mention of how contaminated water will be dealt with in the event there is a fire, if the capacity of the on-site holding basin is exceeded and there has been no consideration given to toxic fumes and groundwater contamination. Finally, there is no community benefit with this proposal with no mitigation by way of financial contributions required. These matters have been addressed above.

In respect to the submitted representations, while several matters highlighted have been addressed above, the following still require to be addressed.

Comment 39 - Impact of the grid connection on the nearby playing fields as the suggested route crosses the only vehicular and pedestrian access to that facility; and Comment 61 - Connections required for ingoing and outgoing current supplies, but no details of intended connection to network. The delivery and installation of the cable route would be carried out by a party holding a licence under Section 6 of the Electricity Act 1989 utilising their Permitted Development rights for electrical undertakings under Class 40 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, therefore no details of a connection is required to assess this proposal.

However, information in relation to this aspect was requested from the applicant and to provide some clarification of the likely arrangements, the agent has advised that *'it is currently anticipated that the proposed development will be connected to the Craigiebuckler Substation to the east via an underground cable which is expected to run along Countesswells Road. The cable will most likely be installed by open trenching within the shoulder of the road where other services are located, in the same way that a fibre optic cable or similar would be installed'*.

Comment 52 - Proposal contravenes Aberdeen Local Development Plan and National Planning Framework 4.

The proposal has been assessed against the relevant local and national policies, all of which have been addressed above.

Comment 53 - Further clarification needed on principal policies.

No further clarification of principal policies is required and these matters have been addressed above.

Comment 54 - Life span of batteries may be as short as 5 years and batteries require replacement posing an ongoing risk.

This matter is not a material planning consideration and will not be considered.

Comment 56 - Argument that this is needed to support development of sustainably produced energy is disingenuous.

This as it is a matter of opinion and does not raise a material planning consideration.

Comment 57 - Too much Green Belt lost to other developments already.

This is not a matter to be considered with this proposal given that every application is assessed on its own merits.

Comment 58 - The pursuit of net zero emissions should not serve as an excuse to destroy the countryside or harm the local area.

This comment is noted.

Comment 59 - A balanced approach is needed that respects and preserves our natural landscapes while advancing environmental goals.

This comment is noted.

Comment 60 - Loss of view and amenity.

The loss of a view is not a material planning consideration. Matters relating to amenity are addressed above.

Comment 62 - Responses from consultees are brief and lack detail; and Comment 63 - Key stakeholders have declined to comment or not been contacted.

The Planning Service has consulted with the relevant stakeholders, the information provided is deemed to be sufficient for the purposes of assessing the application.

Comment 64 - Drawings and supporting information cannot be assessed or not online.

All drawings and supporting information are available to view online.

Comment 65 - Quality assurance of supporting documentation required.

All supporting information has been assessed by the Planning Service and the relevant consultees.

Comment 66 - Consultation process (21 days) not appropriate.

This is a statutory process outlined by planning legislation and is deemed to be appropriate.

Comments 67 - Planning process not fit for purpose when it comes to accessing these applications.

Planning applications require to be assessed by the local planning authority and due consideration is given to all supporting information, as well as consultee comments and matters raised within representations.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Whilst developments such as this can be generally accepted within a green belt location, given their classification of being an essential infrastructure, thus complying with part of Policy 8 (Green Belt) and Policy 11 (Energy) of the National Planning Framework 4 (NPF4) and Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP), overall it is considered that this development in this location would undermine the integrity and purpose of the green belt. This is due to the

development being sited within an area of rural countryside that is relatively unspoilt by development, particularly developments of this industrial nature. Whilst mitigation measures have been put forward by the applicant which would seek to lessen the visual impact, the concerns related to the siting such a facility in this location remain and it is also expected that there would be a significant negative visual impact of the landscape as well as those residential dwellings that sit in close proximity to the site. The proposal is therefore contrary to Policy 8 (Green Belt), Policy 11 (Energy) and Policy 14 (Design, Quality and Place) of NPF4 and Policy NE1 (Green Belt), Policy D1 (Quality Placemaking), Policy D4 (Landscape) and Policy R7 (Renewable and Low Carbon Energy Developments) of the ALDP.

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