

**Report To: The Planning Board**

**Date: 3 April 2024**

**Report By: Director, Environment and Regeneration**

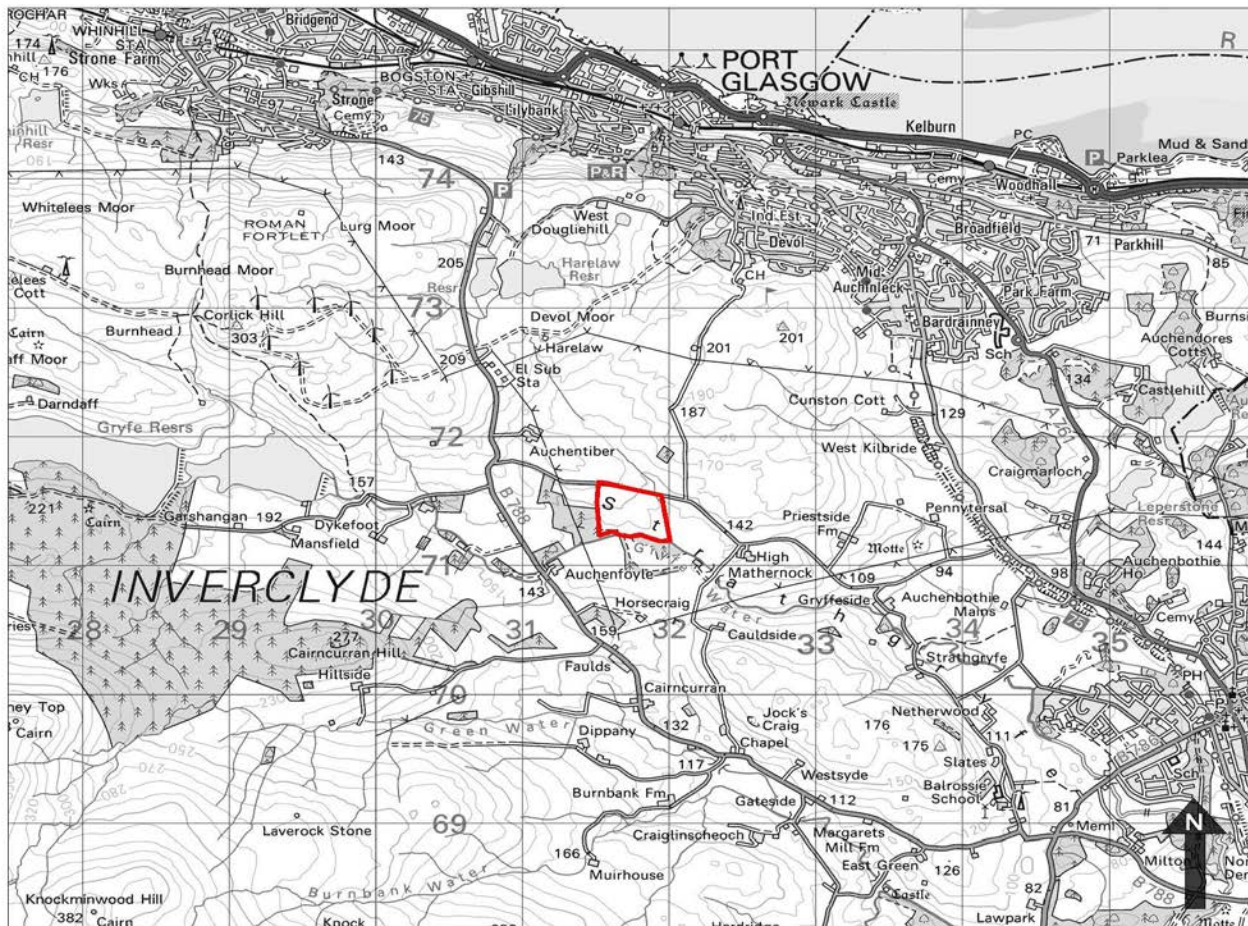
**Report No: 23/0001/EAA**

**Electricity Act Application**

**Contact Officer: Sean McDaid**

**Contact No: 01475 712412**

**Subject: Installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 700MW (notification of application made to the Scottish Ministers under Section 36 of the Electricity Act 1989) at land at Auchentiber Road, Port Glasgow**



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**SUMMARY**

- This a consultation with the Council by the Scottish Ministers under the Section 36 of The Electricity Act 1989.
- The proposal is acceptable with regard to the relevant policies of National Planning Framework 4 as well as the relevant policies of both the adopted and proposed Inverclyde Local Development Plans.

- The recommendation is not to object to the proposal but to request conditions be attached on a grant of a Section 36 consent/deemed planning permission.

The application may be viewed at:

[Scottish Government - Energy Consents Unit - Application Details](#)

## INTRODUCTION

Proposals to construct generating stations that exceed 50 megawatts require consent under Section 36 of the Electricity Act 1989 and Scottish Ministers are responsible for approving applications for generating stations that exceed 50 megawatts. As such an application has been made by Apatura (GPC 700 Ltd) to the Scottish Ministers to install a battery storage facility with associated ancillary infrastructure at land to the south of Auchentiber Road (Scottish Government reference number ECU00004979). A battery storage facility is considered to be a generating station.

The Scottish Ministers are required to consult the planning authority where the development is located, NatureScot (former known as Scottish Natural Heritage), the Scottish Environment Protection Agency, Historic Environment Scotland as well as other relevant consultees and take their views into account during the decision-making process.

In circumstances where important issues are raised the Ministers can decide to hold a public local inquiry before decisions are taken including if objected to by the planning authority or other consultee.

On granting consent under Section 36 the Ministers may also direct that planning permission for that development shall be deemed to be granted in terms of Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The consent and deemed planning permission may be subject to conditions.

It should be noted that the Scottish Ministers adopted an EIA Screening Opinion prior to the submission of the application on 18th August 2023 under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 which concluded the proposed development did not require an Environmental Impact Assessment.

## SITE DESCRIPTION

The application site comprises two fields located on the south side of Auchentiber Road and the site area extends to 16.39 hectares. The site is in the rural area/green belt approximately 2.1km to the south of Port Glasgow and approximately 2.86km to the north-west of Kilmacolm.

The two fields are currently used for agricultural purposes and are delineated by low-lying hedgerows and there is a wall running generally north to south dividing the fields. There is a low level of tree cover within the site boundaries, with two patches located in the north-east corner and south-west corner. The field undulates and the ground levels drop across the fields in a general north/north-west to south/south-east direction. The site levels fall from the high point of approximately 159.5m Above Ordnance Datum (AOD) in the north-west corner, to a low point of approximately 132.8mAOD at the south-east corner.

The Gryffe Water runs along the southern boundary of the site, and it features trees which flank its banks. An unnamed watercourse also runs along the east side of the site. There are also two areas of woodland which adjoin parts of the western and southern boundary respectively.

The surrounding the site is largely composed of agricultural land, with some individual rural dwellinghouses located throughout the landscape. The nearest properties known as Auchentiber, Auchenfoyle Farm, Loganwood House and The Haven at Horsecraigs are located approximately 600m, 400m, 500m and 600m respectively from the application site.

The Devol Moor Sub-Station is located approximately 1.1km to the north-west of the site. There are wind turbines on land to the north-east of the application site. There are electricity pylons/overhead lines traversing the landscape.

## **PROPOSAL**

The proposal is for a 700 megawatt (MW) Battery Energy Storage Facility and associated infrastructure. The proposal is to allow electricity from the national grid to be stored in batteries at times of low demand and then exported back to the grid at times of high demand. This is intended to prop up the grid and provide a more reliable supply of energy to users. The applicant has indicated the intended lifetime of the proposal is 40 years after which the facility will be decommissioned and the land restored to its former state.

The proposal comprises the following.

### Containerised units

The proposed development is to comprise 280 containerised units to house battery energy storage systems and associated ancillary infrastructure. Each container will have the appearance of a metal shipping container and is to be soundproof. The containers will each measure up to approximately 12.2m long, 2.4m wide and 2.9m high. Each container will be finished in dark grey or green and would be prefabricated off-site. The containers would be accessed via an external galvanised metal open grid walkway supported by stairs and railings. All containers include a Battery, Power Conversion System (PCS), Control System, HVAC (Heating, Ventilation and Air Conditioning) Unit, and a Fire Suppression System.

Each container will feature a power inverter sat on a pad to the front of the container, and an auxiliary transformer adjacent to the converter, between each container. The arrangement will see 2x inverters and 1x transformer per two containers. In total, there will be 280 inverters and 140 transformers, each of which will be finished to match the containers. The transformers and inverters will measure approximately 2.7m x 1.4m x 2.6m, and 2.3m x 1.4m x 1.5m respectively.

Each battery container is to have a fire detection and suppression system and would be continually monitored by a battery management system which would report any faults. Each battery is housed in a separate container which would reduce the risk of fire spreading. In the event that a fire did break out the fire suppression systems would use a non-toxic gas and a venting system would prevent flammable gases building up in the battery unit.

### Sub-station compound

The sub-station compound is to be located towards the centre west part of the site and is to contain 400kv to 33kv transformers. The compound is to be enclosed with fencing the overall height is to be approximately 4.3m high. The top of the transformers are to be 11.96m high.

### Sub-station building

The sub-station building is to be located adjacent to the sub-station compound. The building is to be two storeys and measures 30.55m long by 10.03m wide and 8.4m high. It is indicated the elevations are to be rendered in a grey colour (RAL 7038). The proposed roof material has not been specified on the submitted drawings.

### Switchrooms

There are to be three switchrooms beside each other in a row and located to the west of the sub-station compound. The overall length of the switchrooms is to be 40m and are to be 8m wide. The switchrooms are to have pitched roofs 6.7m high. It is indicated the elevations are to be rendered in

a grey colour (RAL 7038). The proposed roof material has not been specified on the submitted drawings.

#### Ground modelling/alterations

It has been indicated due to the landform of the site, cut and fill operations are required to create suitable plateaus/terraces for the components and infrastructure. It should be noted the specific details of the alterations have not been submitted with the application.

#### Access road

A vehicular access is to be formed off Auchentiber Road in a central position along the north boundary of the site. Auchentiber Road is indicated as being widened by 1.8m to 5.5m at the proposed site access. Metal palisade gates with a pedestrian gate are to be installed along the access road approximately 100m back from the proposed site access onto Auchentiber Road. The vehicular access part of the gates are to be 5.6m wide and the pedestrian gate 1.5m wide. The gates are to be 2.68m high and it is indicated they are to be Moss Green (RAL 6005) in colour. An access road is to lead from the gates in a general south direction towards the south boundary of the site as well as branching and running towards the west before turning south and looping back to the east.

Two areas of car parking are shown, each with six spaces, with one adjacent to the sub-station building and the other adjacent to the switchrooms.

#### Boundary fencing

2.44m high mesh security fencing is to be erected within the site and around where the main components of the development (containerised units, sub-station compound area and buildings) are located. The colour of the fence is indicated as being Moss Green (RAL 6005).

#### CCTV and security lighting

CCTV and security lights are to be mounted on 4m high columns and located at various points within the site.

#### Landscape buffer

There is to be a landscaping buffer along the north and east sides of the site. A Landscape Masterplan indicates that native woodland planting of a minimum of 50% Scots Pine is proposed. Other species indicated include Beech, Oak, Sycamore, Birch, Hazel Wild Cherry, Rowan, Willow species, Juniper, Holly, Hawthorn and Elder. Grassland/wildflower meadow with a scrub component of 30% (species to include elder, juniper, gorse, broom, hawthorn, willow, rowan, birch, hazel) is indicated. The Landscape Masterplan also indicates existing woodland within the site is to be retained and protected.

#### Connection to Devol Moor Sub-Station

An underground cable is to connect the site to the Devol Moor Sub-Station. It has been indicated the final route of the grid connection has yet to be confirmed however it is expected that the route would run north out of the compound, west along Auchentiber Road and then north along the B788 to the sub-station.

#### Indicated construction period

It has been indicated the development is to have a construction period of 18 to 24 months.

It should be noted that the applicant has indicated in the Section 36 Application that they are keen for a planning condition to be attached to any approval, which allows for micro siting of up to 100m

in all directions within the red line site boundary. This is providing that any such changes do not adversely affect the results in the accompanying technical assessments. The applicant has indicated this is to allow for the flexible procurement of the site equipment required to build the development. It is indicated the current design has been drawn up to be as flexible as possible to allow for a variety of battery solutions to provide the 700MW development proposed as part of the scheme.

### Submitted Reports

The Section 36 Application has been accompanied with: a Pre-Application Consultation Report (November 2023); a Planning Supporting Statement (November 2023); a Preliminary Ecological Appraisal (June 2023); an Outline Safety Management Plan (November 2023); a Noise Impact Assessment (November 2023); a Landscape and Visual Assessment (November 2023); Historic Environment Impact Assessment (May 2023); a Flood Risk Assessment (November 2023); a Design and Access Statement (November 2023); a Transport Statement (November 2023); and a Habitats Regulations Assessment Screening, Otter Survey, Tree Preliminary Roost Assessment and Badger Survey (July 2023).

## **DEVELOPMENT PLAN POLICIES**

### **NATIONAL PLANNING FRAMEWORK 4**

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

#### **Policy 1 -Tackling the Climate and Nature Crises**

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### **Policy 2 – Climate Mitigation and Adaption**

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

#### **Policy 3 – Biodiversity**

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their longterm retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

#### **Policy 4 – Natural Places**

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

#### **Policy 5 - Soils**

a) Development proposals will only be supported if they are designed and constructed:

- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
- ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
- ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
- iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
- iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

## **Policy 6 – Forestry, Woodland and Trees**

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in
- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
  - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
  - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
  - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

## **Policy 7 – Historic Assets and Places**

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- h) Development proposals affecting scheduled monuments will only be supported where:
- i. direct impacts on the scheduled monument are avoided;
  - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided;
- or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

## **Policy 8 – Green Belts**

- a) Development proposals within a green belt designated within the LDP will only be supported if:

- i) they are for:

- development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
- residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;

- horticulture, including market gardening and directly connected retailing, as well as community growing;
- outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
- flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues);
- essential infrastructure or new cemetery provision;
- minerals operations and renewable energy developments;
- intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
- the reuse, rehabilitation and conversion of historic environment assets; or
- one-for-one replacements of existing permanent homes.

and

ii) the following requirements are met:

- 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;
- the purpose of the green belt at that location is not undermined;
- the proposal is compatible with the surrounding established countryside and landscape character;
- 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
- there will be no significant long-term impacts on the environmental quality of the green belt.

### **Policy 11 - Energy**

a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;
- ii. enabling works, such as grid transmission and distribution infrastructure;
- iii. energy storage, such as battery storage and pumped storage hydro;
- iv. small scale renewable energy generation technology;
- v. solar arrays;
- vi. proposals associated with negative emissions technologies and carbon capture; and
- vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) 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.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

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



- 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;
- iii. public access, including impact on long distance walking and cycling routes and scenic routes;
- iv. impacts on aviation and defence interests including seismological recording;
- v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- vi. impacts on road traffic and on adjacent trunk roads, including during construction;
- vii. impacts on historic environment;
- viii. effects on hydrology, the water environment and flood risk;
- ix. biodiversity including impacts on birds;
- x. impacts on trees, woods and forests;
- xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
- 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
- xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.

#### **Policy 14 – Design, Quality and Place**

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

**Healthy:** Supporting the prioritisation of women’s safety and improving physical and mental health.

**Pleasant:** Supporting attractive natural and built spaces.

**Connected:** Supporting well connected networks that make moving around easy and reduce car dependency

**Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

**Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

**Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) 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.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

## **Policy 22 – Flood Risk and Water Management**

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

i. not increase the risk of surface water flooding to others, or itself be at risk.

ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;

iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

## **Policy 23 – Health and Safety**

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

### **Policy 29 – Rural Development**

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

## **ADOPTED LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

### **Policy 4 - Supplying Energy**

Proposals for infrastructure for the generation, storage or distribution of heat and electricity will be supported in principle where they contribute to a reduction in greenhouse gas production. Proposals will be assessed with regard to impact on:

- a) the green network (including landscape), and historic buildings and places;
- b) the amenity and operations of existing and adjacent uses;
- c) tourism and recreational resources;
- d) air quality;
- e) aviation and defence interests;
- f) telecommunication and broadcasting interests; and
- g) traffic and pedestrian safety

Relevant proposals are required to accord with the Council's Supplementary Guidance on Energy.

### **Policy 8 - Managing Flood Risk**

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

- a be at significant risk of flooding; (i.e. within the 1 in 200 year design envelope);
- b increase the level of flood risk elsewhere; and
- c reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.

### **Policy 9 - Surface and Waste Water Drainage**

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

### **Policy 11 - Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 14 - Green Belt and Countryside**

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

### **Policy 15 - Soils**

Development on prime agricultural land or affecting carbon rich soils will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

For carbon rich soils, it will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO<sub>2</sub> emissions over its lifetime.

### **Policy 31 - Scheduled Monuments and Archaeological Sites**

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances. Development affecting archaeological sites should seek to preserve the archaeological resource in situ.

### **Policy 33 - Biodiversity and Geodiversity**

Natura 2000 sites: Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; or
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Sites of Special Scientific Interest: Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species: Development affecting Protected Species will only be permitted where:

- it preserves public health or public safety or is for other imperative reasons of overriding public interest including those of a social or economic nature and has beneficial consequences of primary importance for the environment;
- there is no satisfactory alternative; and
- it maintains the species in a favourable conservation status.

Local Nature Conservation Sites: Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area: Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance.

Non-designated sites: The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

#### **Policy 34 - Trees, Woodland and Forestry**

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a it can be clearly demonstrated that the development cannot be achieved without removal;
- b the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

#### **Policy 38 - Path Network**

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

Where applicable, development proposals will be required to provide new paths in order to encourage active travel and/or connectivity to the green network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

#### **Policy 39 – Water Environment**

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- a) supporting the strategies and actions of the national and regional marine plans, and supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- b) minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- c) the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;
- d) avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements; maintaining or improving waterside and water-based habitats; and
- e) providing appropriately sized buffer strips between development and watercourses, in line with SEPA guidance, and providing access to the water and waterside, where appropriate.

## **PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

### **Policy 4 – Supplying Energy**

Proposals for infrastructure for the generation, storage or distribution of heat and electricity will be supported in principle where they contribute to a reduction in greenhouse gas production. Proposals will be assessed with regard to impact, including cumulative impact on:

- a) the resources protected by the Plan's historic buildings and places and natural and open spaces chapters;
- b) the amenity and operations of existing and adjacent uses;
- c) tourism and recreational resources;
- d) air quality;
- e) aviation and defence interests;
- f) telecommunication and broadcasting interests; and
- g) traffic and pedestrian safety

Where relevant, proposals are to be accompanied with restoration plans acceptable to the Council.

Relevant proposals are required to accord with the Council's Supplementary Guidance on Energy.

### **Policy 10 – Surface and Waste Water Drainage**

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- a) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- b) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

### **Policy 12 – Managing Impact of Development on the Transport Network**



Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 15 - Green Belt and Countryside**

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) within the curtilage of an existing use, which is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location. Proposals in the green belt must not undermine the objectives of the green belt as set out in Scottish Planning Policy and the Clydeplan Strategic Development Plan. Non-conforming uses will only be considered favourably in exceptional or mitigating circumstances.

### **Policy 16 – Soils**

Development on prime agricultural land will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

Development should avoid the unnecessary disturbance of peat and carbon-rich soils. Best practice must be adopted in the movement, storage, management and reinstatement of peat and carbon-rich soils.

Where peat and carbon rich soils are present on an application site, a depth survey must be undertaken which demonstrates that areas of deep peat have been avoided as far as is possible. A peat management plan must also be produced, detailing mitigation measures which demonstrate that the unnecessary disturbance, degradation or erosion of peat will be avoided., It will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO2 emissions over its lifetime.

### **Policy 31 - Scheduled Monuments and Archaeological Sites**

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ. Where this is not possible, the developer will be required to fully record the archaeological resource for archiving, prior to development commencing.

### **Policy 33 – Biodiversity and Geodiversity**

#### European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the network is protected. In such cases, the Scottish Ministers must be notified.

#### Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

#### Protected Species

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

#### Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

#### Non-designated sites

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

### **Policy 34 – Landscape**

The siting and design of development should take account of local landscape character and setting in order to conserve, enhance and/or restore landscape character and distinctiveness. Development should aim to conserve those features that contribute to local distinctiveness including:

- the setting of buildings and settlements within the landscape
- the pattern of woodlands, fields, hedgerows and trees; especially where they define/ create a positive settlement/ urban edge
- the character and distinct qualities of river corridors
- historic landscapes
- topographic features, including important/prominent views, vistas and panoramas

When assessing development proposals likely to have a significant impact on the landscape, the guidance contained in the Glasgow and Clyde Valley Landscape Character Assessment will be taken into account.

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special landscape qualities as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be amended to avoid or mitigate these impacts through being informed by a landscape and visual impact assessment.

### **Policy 35 – Trees, Woodland and Forestry**

The Council supports the retention of trees, including ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- it can be clearly demonstrated that the development cannot be achieved without removal; or
- the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council.

Proposals for new forestry/woodland planting will be assessed with regard to the policies of this Plan and the Forestry and Woodland Strategy for the Glasgow City Region.

### **Policy 36 – Safeguarding Green Infrastructure**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- a) the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- b) the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- c) a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

### **Policy 39 – Water Environment**

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- a) supporting the strategies and actions of the national and regional marine plans, and supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;

b) minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;

c) the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;

d) avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements; maintaining or improving waterside and water-based habitats; and

e) providing appropriately sized buffer strips between development and watercourses, in line with SEPA guidance, and providing access to the water and waterside, where appropriate.

## **CONSULTATIONS**

The planning authority is not responsible for consulting on this type of application, rather it is a consultee in the application process.

Consultation responses have been submitted to the Scottish Government Energy Consents Unit, who administer the application process. The available responses from the consultees are on the Scottish Government Energy Consents Unit website and are indicated/summarised below for information purposes.

**Glasgow Prestwick Airport** - while inside the Glasgow Prestwick Airport safeguarding area, the proposed development presents no safeguarding concerns to the Airport and consequently has no comment or valid objection to make.

**National Gas** - there are no National Gas Transmission assets affected in this area.

**National Air Traffic Service** - the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

**Scottish Water** - has no objection however the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

**Health and Safety Executive (HSE)** – advises they have an interest in proposals where developments will be located in HSE zones. The proposal does not lie within any consultation zones. The development proposal does not relate to a relevant development on which to consult the HSE's Land Use Planning (LUP) Team, as it would not lead to a material increase in the number of people within a consultation distance. Therefore, HSE's Land Use Planning team have no comments.

**BT Group** - concludes that the location should not cause interference to BT's current and presently planned radio network. BT requires 100m minimum clearance from any structure to the radio link path.

**Scottish Forestry** - notes there is an area of plantation forestry to the south-west, and area of riverine woodland on the southern boundary and other minor areas of woodland interest to the north-east and east. Notes from the site layout plan that the development is unlikely to have any significant impact on any of these areas. Therefore has no comments to offer.

**RSPB Scotland** - agrees that this development is unlikely to have a significant impact on the Renfrewshire Heights SPA and have no comments to add at this time.

**Historic Environment Scotland** – advises there are no scheduled monuments within the development boundary and as such there is no likely physical impact on assets within their remit. Advises the proposed development would be within the vicinity of the following two scheduled monuments: High Mathernock, AA battery and camp; and Pennytersal Farm, motte.

High Mathernock, AA battery and camp sit 200m to the south-east of the proposed development and the proposed development would be visible in views from the command post and gun emplacements to the north-west but would be partially screened by commercial forestry. At close proximity to the monument, the proposed development would be clearly visible as a modern intrusion and would add a new character of development, that of energy transmission and storage, to the immediate agricultural landscape that currently surrounds the monument. However, while visible, it would not break the skyline or impede these views from the battery or command post. Any impacts on the monument's setting would therefore not be significant.

Pennytersal Farm, motte sits 1.7km to the east of the proposed development and the proposed development would be largely screened by intervening topography. Indicates without visualisations it is not possible to ascertain whether any of the proposed development would be visible from the motte, but it is highly unlikely that the proposed development would break the skyline in views from the motte to the west and associated electricity transmission apparatus would be unlikely to have a significant visual impact.

**Ministry of Defence** - the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests. The MOD, therefore, has no objection to the development proposed.

**National Grid** - there are no National Grid Electricity Transmission assets affected in this area.

**SEPA** - advises of no objection and that the developer should refer to the relevant standing advice published by SEPA.

**Glasgow Airport** – advises the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria and therefore have no objection to this proposal. Also advises that given the nature of the proposed development it is possible that a crane may be required during its construction and the applicant's attention should be drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

**Transport Scotland** - is satisfied that the proposal will have a negligible impact on the A8(T) and is satisfied that no further assessment of potential environmental effects associated with increased traffic is required for trunk road links. Advises there is potential for abnormal load requirements in relation to the larger 400kV transformer elements and recommends conditions relating to: details of the proposed delivery route for abnormal loads; any measures/alterations required on the trunk road network to accommodate abnormal loads; and any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised traffic management consultant and approved by Transport Scotland.

**NatureScot** – advises there are natural heritage interests of national and international importance close to the site (The Renfrewshire Heights Special Protection Area (SPA) designated for its breeding Hen Harrier) but these will not be affected by the proposal. Also advises that no statutory landscape designations will be impacted by the development, and it is unlikely to give rise to any nationally significant effects on landscape character. Pre-construction checks should be undertaken for protected species in advance of works commencing on site. If changes in the use of the development site by protected species are identified, an updated assessment of the impacts of the development for that species must be completed and appropriate mitigation measures identified. If the implementation of the identified mitigation measures is not sufficient to avoid offences under protected species legislation, a licence will be required from NatureScot before works can proceed.

Advises any vegetation clearance works required to facilitate this development be undertaken outwith the main bird breeding season of March to July inclusive.

Comments on the application from the Council's Head of Service – Roads and Transportation, the Council's Public Protection Manager and the Council's Archaeology Advisor have been received and are as follows.

**The Head of Service – Roads and Transportation** - advises the following:

- The diagrams in Appendix F of the Transport Statement show a no entry sign. For clarification, there shall be no “no entry” on the public road network as this will be confusing for other road users. “No right turn” signs should be within the site to advise drivers to turn left towards the B788 Auchenfoil Road.
- On Diagram 002 of Appendix F of the Transport Statement there is no note of the low bridge on Dellingburn Street between Baker Street and Carnock Street. The max height displayed on-site is 4.4m. This should be noted within any Traffic Management Plans.
- The 85%ile speed indicates that the visibility splay should be 33m which is appropriate for speeds up to 25mph. The applicant shall demonstrate that this will be achieved. The visibility splay shall be kept clear in perpetuity and secured via a condition to the application.
- No HGV movements shall take place on B788 Kilmacolm Road, Greenock Monday to Friday 8.00-9.15am and 2.30-3.30pm to reduce the impact on road safety for children travelling to local schools.
- The access road shall be 5.5m wide for the first 20m to allow 2 vehicles to pass without impacting the public road. It shall be fully paved over this length.
- Should a gate be installed on the access it shall be a minimum of 10m back from the road to prevent vehicles from impacting the public road.
- A Section 56 Agreement will be required for any changes to the public road network. The applicant shall check land ownership for any areas where widening is required and seek the land owners permission for these works.
- The lighting drawing shall be provided to allow the Roads Service to determine if it has any impact on vehicles using the public road network through dazzling effect, etc.
- It should be noted that any TTROs shall require advance discussion and agreement with the Roads Service (roads@inverclyde.gov.uk) which as much notice as possible but no less than 6 weeks.
- All surface water shall be managed within the site.

The submitted Flood Risk Assessment and Drainage Impact Assessment are also indicated as being acceptable by the Head of Service - Roads and Transportation with the following observations/comments made:

- noted that the site has areas of land at risk of flooding (river and surface) but is limited to the southern boundary and all proposed infrastructure is to be located away areas at risk and that surface water discharge has been limited to that of the 1:2 year greenfield development rate due to surface water runoff being quicker than that of the existing conditions.
- noted that the suitable option for surface water disposal is to the watercourse.
- noted that drainage drawing D001 shows attenuation basin to the north of the site limiting discharge to 3.0l/s with the main discharge being limited to that of 71l/s. Also noted that

permeable paving is the main treatments and attenuation with an alternative secondary attenuation basin being provided. The final approved drainage strategy will need to be submitted for review/approval.

- noted that a maintenance schedule is provided and liability will be that of the developer.
- FRA and DIA have been independently checked and signed certificate included within FRA/DIA.

**Public Protection Manager** - advises of no comments to make in relation to Food and Health or Air Quality. In terms of Contaminated Land advises there are no significant contaminant or ground gas concerns known at this site. However, it is not clear how the development platform will be constructed and therefore recommends a material management plan for imported deposits and consideration of best practice soil resource management.

Advises that given the various potentially contaminative activities in the surrounding lands (historic WW2 air defence, landfill activity in the area and farm waste management), there is possibility of unrecorded contamination present within the site, if encountered further assessment and remedial action may be required. Also advises with the proximity of watercourse to the site, Japanese Knotweed may be discovered and if confirmed a control plan will be required to prevent its spread.

In terms of Public Health and Housing advises that all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Advises agreement with the conclusions in the submitted Noise Assessment in that noise should not be deemed to be a determining factor in the granting of permission.

**Archaeology Advisor** - advises there is potential for the survival of archaeological sites within the proposed development area. Agrees with the proposed mitigation measures to undertake a programme of archaeological works comprising in the initial phase the production of a Written Scheme of Investigation which details the scope of the archaeological works and an archaeological evaluation of the development area prior to any other ground-breaking works. Advises that in the event that archaeology is discovered during the evaluation then undertake an additional programme of archaeological fieldwork (which may comprise excavation, post-excavation and where applicable publication and public outreach).

## **PUBLICITY**

Applications for consent under Section 36 of the Electricity Act 1989 must be advertised by the applicant, not the planning authority, in accordance with the requirements of the Electricity (Applications for Consent) Regulations 1990 (as amended). The advert is to include details of how members of the public can make representations to the application to the Scottish Ministers.

The advertisements appeared in The Edinburgh Gazette and The Herald on 8th December 2023 and in The Greenock Telegraph on 6th and 13th December 2023.

## **SITE NOTICES**

There are no site notices required for this type of application.

## **PUBLIC PARTICIPATION**

Applications under Section 36 of the Electricity Act 1989 are not subject to neighbour notification in the same manner as applications for planning permission.

It should be noted that Port Glasgow West Community Council and the Kilmacolm Civic Trust submitted objections direct to the Council on the proposal however they were both advised that these need to be submitted instead to the Scottish Ministers and how this could be done.

At the time of writing no representations were made to the Scottish Ministers.

## **ASSESSMENT**

In accordance with consultation procedures, the Council requires to indicate its view on the proposal indicating whether it supports or opposes the development. The key considerations for the Council are the location of the proposed development and how the proposal relates to the Development Plan.

### National Policy and Principle of the Development

National Planning Framework 4 (NPF4) sets out Scottish Ministers policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland's outcomes and the United Nations Sustainable Development Goals. Part 1 of NPF4 sets out a Spatial Strategy for Scotland until 2045 and identifies developments of national importance to help deliver that strategy. The need for Strategic Renewable Electricity Generation and Transmission Infrastructure is established therein. The generation of electricity from batteries is not in itself a renewable source of energy and the generation of electricity from the batteries will not contribute to national targets for production of electricity from renewable energy. However, the proposed development can be considered in general terms to be essential infrastructure through the provision of energy storage that adds flexibility and resilience to maintain and secure reliable supplies of energy.

Part 2 of NPF4 sets out National Planning Policy. NPF4 should be read as a whole, and the weight given to policies therein decided on a case-by-case basis. The greatest weight in consideration of the development in the context of NPF4 is the policy on Energy (Policy 11). The policy establishes an intent to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. The description in the policy includes energy generation, storage, and new and replacement transmission and distribution infrastructure. Storage is part of the infrastructure necessary to support the continued expansion of renewable energy developments necessary for decarbonising electricity supply. Battery storage is able to capture excess electricity produced by renewables when supply outstrips demand and release stored energy as electricity when renewable output is slow, helping balance the system and avoid curtailing renewable generation. Battery storage can therefore be considered consistent with the policy principles of national policy for tackling the climate and nature crises.

The energy policy sets out the matters that are to be addressed in the design and mitigation of a development including: impacts on communities and individual dwellings; significant landscape and visual impacts; public access; impacts on aviation and defence interests including seismological recording; impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised; impacts on road traffic and on adjacent trunk roads, including during construction; impacts on historic environment; effects on hydrology, the water environment and flood risk; biodiversity including impacts on birds; impacts on trees, woods and forests; proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration; the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and cumulative impacts.

Some of the abovementioned matters will need to be assessed by the Scottish Ministers using the various consultation responses from other agencies that have been received by them.

Policy 11 c) states 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. The direct economic impacts of the development are difficult to quantify although there are likely to be some as a result of the construction of the development and supply chain opportunities involved. The main benefit of the



proposal is that is part of infrastructure needed to support the continued expansion of renewable energy developments necessary for decarbonising electricity supply. The proposal is therefore consistent with the terms of Policy 11 c) of NPF4.

The proposed development is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply. It is considered in general terms to directly contribute to achieving CO<sub>2</sub> emissions reduction targets, whilst diversifying the energy mix. NPF4 supports renewable energy developments under Policy 11 which in turn supports the general terms of Policy 1 to address the global climate and nature crises. The proposal therefore accords with the general terms of Policies 1 and 11 of NPF4.

### Location of the Development

The key policies of both the adopted and proposed Local Development Plans in relation to the proposed development are Policy 4, in respect of supplying energy as well as Policy 14 of the adopted Local Development Plan and Policy 15 of the proposed Local Development Plan as the site is in the Green Belt.

Policy 4 indicates that proposals for infrastructure for the generation, storage or distribution of heat and electricity will be supported in principle where they contribute to a reduction in greenhouse gas production. Proposals will be assessed with regard to impact on: the green network (including landscape) and historic buildings and places; the amenity and operations of existing and adjacent uses; tourism and recreational resources; air quality; aviation and defence interests; telecommunication and broadcasting interests; and traffic and pedestrian safety.

Consultation responses from relevant consultees have been sent to the Scottish Government Energy Consents Unit in relation to aviation and defence interests as well as telecommunication and broadcasting interests. These matters do not have to be considered by the Council for this application.

The other impacts referred to in Policy 4 of both the adopted and proposed Local Development Plans that require consideration by Inverclyde Council shall be considered elsewhere in this Assessment and in conjunction with the relevant consultation responses.

In terms of the location the site in the Green Belt and needs to be considered under Policy 8 of NPF4 and Policy 14 of the adopted Local Development Plan as well as Policy 15 of the proposed Local Development Plan. In combination these policies support renewable energy developments in the Green Belt and support infrastructure with a specific locational need where it is appropriately designed and located. Policy 1 of the adopted and proposed Local Development Plans seeks to ensure that proposals have regard to the six qualities of successful placemaking. Whilst there are no factors specifically relating to battery storage, being "Distinctive" in reflecting urban form (expanded to "respect landscape setting and character, and urban form" in the proposed Local Development Plan) is relevant.

It has been indicated that battery storage facilities have to be located within close proximity of a viable grid connection that has sufficient capacity to import and export power that will be stored and released into the grid at times of peak demand. Suitable points of connection include a sub-station or an overhead power line. When a suitable connection can be found, other factors need to be taken into consideration that impact the viability and feasibility of a battery storage facility, particularly the distance from a sub-station. A battery storage facility could potentially be developed up to 2km from the point of the connection however the level of efficiency reduces the further away from the connection the facility is located.

With regard to Policy 14 of the adopted Local Development Plan as well as Policy 15 of the proposed Local Development Plan the proposal is for infrastructure and can be considered to have a specific locational need as such development needs to be within close proximity of a viable grid connection, which is the Devol Moor Sub-Station in this instance. The proposal is therefore supportable in

principle in this Green Belt location, subject to it being appropriately designed, located and landscaped. In order to determine the acceptability of the proposal, the key impacts require to be considered. These are primarily the impact on landscape and visual amenity as well as the impact on the natural environment. These factors are assessed in more details below.

The location of the development also has to be considered under Policy 5 of National Planning Framework 4 and Policy 15 of the adopted Local Development Plan as well as Policy 16 of the proposed Local Development Plan. The fields that make up the applications site are used for grazing and are indicated as being located on land that is likely Grade 4.2 soil which is not considered to be prime agricultural land, defined by Scotland's Soils as "Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops." Therefore the location of the proposal is considered as acceptable under the terms of Policy 5 of National Planning Framework 4 and Policy 15 of the adopted Local Development Plan as well as Policy 16 of the proposed Local Development Plan.

### Impact on the Landscape and Visual Impact

A Landscape and Visual Assessment (LVA) has been submitted with the application to assess the potential landscape and visual implications of the proposed development.

The LVA has allowed for a 2km study area to assess the impact of the development on both the landscape resource and visual amenity. A Zone of Theoretical Visibility (ZTV) was prepared to assist in identifying the visual envelope that is likely to be affected by the development. The LVA appraisal includes a total of eight viewpoints. The viewpoints are:

- Viewpoint 1: View from access to Horsecraigs by B788
- Viewpoint 2: View from Auchentiber Road
- Viewpoint 3: View from Auchentiber Road next to Site
- Viewpoint 4: View from Auchentiber Road by the junction with Devol Road
- Viewpoint 5: View from Devol Road by south access to wind turbines
- Viewpoint 6: View from Mathernock Road by High Mathernock Farm
- Viewpoint 7: View from Mathernock Road by access to Cauldside
- Viewpoint 8: View from Inverclyde Windfarm

Photomontages are also shown from the four viewpoints close to the site showing the development from Year 1 when the proposed buffer planting is to be carried out until Year 15 when the planting has become established.

The application site is located in a Rugged Upland Farmland Landscape Character Type. The land further to the north is a Rugged Moorland Hills Landscape Character type. The key characteristics of the Rugged Upland Farmland Landscape Character Type are: rugged landform comprising rocky bluffs and shallow troughs; reservoirs in flooded troughs; dominance of pastoral farming; frequent tree cover often emphasising landform, for example concentrated on bluffs and outcrops; and settlement limited to farms and villages.

The LVA considers the undulating landform, combined with the presence of woodland and other vegetation, results in a range of short and medium-range views of the site from the surrounding landscape. However, short-range views are available only from local roads and Core Paths close to the site. However, there may be some medium-range views and potentially a long-range view from high land within the Clyde Muirshiel Regional Park to the south-west of the site. Overall, the LVA considers the visual receptors with views of the site are relatively limited in number and sensitivity.

The site is generally in a dip in the landscape and when viewed from the B788 from the west the topography and areas of woodland assist in screening the site. The areas of woodland to the south of the application site also assist in screening the site when viewed from the access road to The Haven at Horsecraigs.

The fields to the north of the site on the opposite side of Auchentiber Road are more open to view although there are overhead electricity lines/pylons that run in a general north to south direction. These pylons are visually dominant structures in the landscape.

The site is more open to view from the east when travelling along Auchentiber Road particularly at the bend in the road at Loganwood House as the views are across open fields with no topographical screening or woodland screening. The existing electricity pylons are in the background when the site is viewed from this direction. Further in the distance are the wind turbines at the Inverclyde Windfarm at Corlic Hill. The pylons and turbines break the skyline when viewed from this direction.



View of the site from Auchentiber Road looking west

There will be a change on the landscape character because of the proposed development. The magnitude of change on the landscape character will be at its greatest in close proximity to the site particularly during the construction phase and until the proposed landscape buffer becomes established/matures. This magnitude of change on landscape character is not unusual for a construction project such as this. The containerised units and the proposed buildings themselves are generally low level that assist in lessening their overall visual impact on the landscape. The sub-station compound will have the greatest visual impact as the structures are taller than the other structures/buildings in the development and will present a similar visual impact to the Devol Moor Sub-Station.

That being said the visual impact as a result of the development is generally localised and the greatest visual impact on viewers will be in close proximity to the site. There are a limited number of buildings in the surrounding countryside and their positions combined with the intervening topographical screening and existing wooded areas assists in lessening the visual impact. The proposed buffer landscape planting will also lessen the visual impact as the planting matures. The impact on other potential viewers is considered to be transitory particularly when travelling along the local roads network and core paths. The visual impact is therefore not considered to have a wider or significant visual impact. It is considered that that the proposed landscape buffer indicated in the Landscape Masterplan is however necessary as mitigation to assist in screening views of the site/development particularly from the east and in immediately adjacent to the site on Auchentiber Road. Although the visual impact of the proposal is localised, without the proposed landscape buffer the visual impact of the development would be locally significant and uncompromising. It is acknowledged that the proposed landscape buffer will take time to mature and become established.

The proposed landscape buffer as it becomes established/matures will also be viewed in the context of the wooded areas adjacent to the site and would generally be viewed as a continuation of the existing wooded areas.

The proposed development does not break skylines and is far enough away from the Muirshiel Regional Park to not have a significant visual impact on the Park.



View looking north from the access road to The Haven

It is considered that the visual impact of the proposal when combined with the proposed landscape buffer is acceptable in order to accord with the Policy 8 of National Planning Framework 4 and Policy 14 of the adopted Local Development Plan as well as Policy 15 of the proposed Local Development Plan.

### Ecology and Habitats

There are no nature heritage designations that affect the application site. There is a Local Nature Conservation Site (Devol Road Upland) across Auchentiber Road and to the north-east of the site that relates to a mosaic of wet heathland and acid grass with local areas of dry heath, bracken and gorse scrub. As the application site is used for grazing it is considered to have limited ecology value. Any habitats are likely to be around the margins of the site where the existing wooded areas and watercourses are located.

The Survey Report submitted with the application indicates otters were found to be active along both of the watercourses at the boundaries of the site, but there were no signs of residency of this species, primarily due to a lack of suitable shelter features. The Survey Report concludes that given the level of protection afforded to otters, best practice measures for the construction phase of the development have been recommended. The Survey Report indicates a number of trees along the site boundaries were found to have some level of suitability for roosting bats. If impacts on these trees (including indirect impacts arising from lighting, noise or vibration as well as physical removal of vegetation) cannot be avoided, further survey will be needed to determine more conclusively their bat roosting status. The Survey Report also indicates no active badger setts were found within 100m

of the site, although badger were thought likely to use the landscape around the site for foraging and/or commuting and concludes no further actions in relation to badger are needed at this time.

NatureScot has advised in its consultation response to the Scottish Ministers that pre-construction checks should be undertaken for bats, otters, badgers and Species Protection Plans adequate to support any necessary protected species licence applications should be produced in the event that any places of rest/shelter for such species are identified by these checks. They recommend that the general precautions and good practice measures proposed by the ecology reports should be adhered to during the works, and this will be important due to the potential proximity of the works to woodlands and linear features that protected species may use.

Following the advice from NatureScot in their consultation response to the Scottish Ministers the proposal is considered to comply with the terms of Policies 3 and 4 of National Planning Framework as well as Policy 33 of both the adopted and proposed Inverclyde Local Development Plans.

The proposed landscape buffer also presents the opportunity to create new/additional habitats and in turn to enhance biodiversity in order to accord with Policy 3(a) of National Planning Framework 4.

### Impact on the Roads Network

The proposed development is located adjacent to a minor road that has a limited amount of traffic flow. The main impact on the roads network will be during the construction of the development and the submitted Transport Statement indicates all vehicle trips associated with construction traffic will arrive at and depart from the site using the B788 Auchenoil Road to the west. A Construction Traffic Management Plan (CTMP) is indicated as being prepared.

When the development is operational trips to the site will be limited to involving site maintenance activities and the proposed development will have a limited impact on the operation of the local roads network.

The Head of Service – Roads and Transportation has not raised any concerns about the general impact of construction traffic on the local roads network nor when the development is operational. A Traffic Management Plan will be required to be submitted for further written approval.

Transport Scotland has advised that they are satisfied that the proposal has negligible impact on the A8 trunk roads and has recommended conditions should there be abnormal loads associated with the delivery of components of the development.

The proposal is therefore considered to be acceptable under Policy 11 e) vi) of National Planning Framework 4 and under the terms of Policy 11 of the adopted Local Development Plan as well as Policy 12 of the proposed Local Development Plan.

### Core Paths

Auchentiber Road is identified in both the adopted and proposed Local Development Plans and being a Core Path and covered by Policy 38 of the adopted Plan and Policy 36 of the proposed Plan. The proposed development includes widening the road at where the site entrance is to be located however does not result in the loss of this core path. As such the proposal is considered acceptable under Policy 11 e) iii) of National Planning Framework 4 and under the terms of Policy 38 of the adopted Local Development Plan as well as Policy 36 of the proposed Local Development Plan.

### Flood Risk

The Gryffe Water runs along the south boundary of the application site which is identified on SEPA's Flood Maps as being susceptible to river water flooding. Along the east boundary of the site the Flood Maps indicate the land is susceptible to surface water flooding. As a result of the topography the

likely flood risk associated with the Gryffe Water is mainly within the watercourse itself and its immediate margins and not in the application site.

A Flood Risk Assessment has been submitted and concludes the proposal is not at risk of flooding as the components of the proposed development are to be situated away from the Gryffe Water.

The Flood Risk Assessment also concludes the proposed development is not predicted to increase surface water runoff or flooding to the surrounding catchment as the use of SUDS features, such as permeable access roads and hardstanding, are to be implemented.

SEPA has indicated they have no objection to the proposal in their consultation response to the Scottish Ministers. The Head of Service – Roads and Transportation advises there are areas of land at risk of fluvial and surface water flooding within the site and agrees that the area at risk of flooding from rivers and surface water is limited to a narrow strip of land at the southern boundary. The Head of Service – Roads and Transportation notes the suitable option for surface water disposal is to the watercourse.

It is therefore considered that the potential flood risk is acceptable and the proposal accords with the terms of Policy 22 of National Planning Framework 4 and Policy 8 of the adopted Local Development Plan as well as Policy 9 of the proposed Local Development Plan. The final details of the proposed surface water drainage will need to be submitted for further approval in writing.

#### Cultural Assets and Archaeology

There are no scheduled monuments within the application site and the proposed development is within the vicinity of the two scheduled monuments at High Mathernock (200m to the south-east) and Pennytersal Farm (1.7km to the east).

As advised in the consultation response from Historic Environment Scotland the proposed development while visible, it would not break the skyline or impede views from the battery or command post at High Mathernock. It is agreed with Historic Environment Scotland that any impacts on the setting of this scheduled monument would not be significant.

It is also agreed with Historic Environment Scotland that the proposed development would be largely screened by intervening topography from the motte at Pennytersal Farm and there would not be a significant visual impact.

The proposed development is not considered to have a significant impact on the setting of the nearby scheduled monuments and is therefore considered to accord with Policy 7 h) of NPF4 and Policy 31 of both the adopted and proposed Inverclyde Local Development Plans.

The submitted Historic Environment Assessment identifies the site of a recovered cup-marked sandstone block towards the west of the application site that has been exposed during ploughing. This object was found when ploughing in 1954 by the farmer at High Mathernock Farm, described as a sandstone block with carvings on two faces. This stone has been removed and is held in Paisley Museum. There are no other known assets of prehistoric, Roman or early medieval date located within the study area.

A programme of archaeological works informed by an archaeological evaluation has been recommended in the Historic Environment Assessment for any potential impact on currently unknown archaeological sites.

The Council's Archaeology Advisor has no adverse comments on the submitted Historic Environment Assessment. The archaeological evaluation can be addressed by a planning condition.

It is considered that the proposal is acceptable under the terms of Policy 7 of National Planning Framework 4 and Policy 7 of both the adopted and proposed Local Development Plans.

## Noise Impact

A Noise Impact Assessment has been submitted with the application in order to quantify the predicted level of noise, upon the closest residential dwellings to the site, from the various mechanical and electrical plant which form part of the development.

The Assessment concludes that the rated level of noise generated by the development falls below the typical daytime background sound level. For the night-time period, the calculated internal noise levels fall below the night-time noise criteria limit for bedrooms and as such, there is no requirement to consider noise mitigation measures.

The Council's Public Protection Manger has not indicated any concerns regarding the proposed development in terms of noise impact. The proposal is therefore acceptable in this regard under Policy 11 e) i) of National Planning Framework 4 and under the quality of being "Safe and Pleasant in Policy 1 of both the adopted and proposed Local Development Plans.

## Site Decommissioning and Restoration

Policy 11 e) of National Planning Framework 4 requires demonstration of how impacts are to be addressed including proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.

The applicant has indicated that the intended lifetime of the proposal is 40 years after which the facility will be decommissioned and the land restored to its former state. However no other information regarding this has been submitted. Notwithstanding, given the type of development, its size and location, it is considered that de-commissioning and site restoration is necessary at the end of the lifetime of the development. It is considered that a planning condition is necessary on any permission the Scottish Ministers may grant to address decommissioning and restoration of the site including the requirement for a financial bond to ensure sufficient funds are available to de-commission and restore the site. If the developer was to go out of business with unfinished works potentially being left this can be safeguarded by ensuring that a bond or other financial provision is to put in place to cover such an eventuality. The bond or other financial provision would address reinstatement works both in the event of a developer failing or being unable to complete restoration works together with any failure in the aftercare arrangements associated with the site restoration.

In the event that the development fails to export electricity to the grid for a continuous period of 12 months it will be considered to have become redundant and the components of the development removed and the site restored. It is considered necessary for this to be addressed by a condition.

## Micro-Siting

The applicant is seeking a planning condition for the deemed planning permission to allow for micro-siting of up to 100m in all directions within the red line site boundary. The reason the applicant has given for this is noted however re-positioning components of the development up to 100m is more than a minor adjustment and for example could move them immediately adjacent to Auchentiber Road. This would in turn impact on the proposed landscape buffer.

It will be the responsibility of the Scottish Ministers to decide if such a condition is appropriate/necessary however it is considered that this condition should not be recommended for the Scottish Ministers to attach to any deemed planning permission that may be granted.

## Overall Conclusion

It is acknowledged that the development is to be located in the Green Belt and the site is relatively large. The proposal represents change at this location however this has to be balanced against development of this type being required to store and distribute renewable energy produced to

contribute towards the net zero targets. It should be noted the site is not in a remote rural location and there are other forms of energy development in the surrounding landscape. The wind farm at Corlic Hill and the electricity pylons are the visually dominant structures in the surrounding landscape. The proposed site is 1.1km from the Devol Moor sub-station and 1.7km from the wind farm and within reasonable distance of Port Glasgow therefore the requirement for the site to be accessible would be met. There would also be landscape benefits of clustering the three energy developments in relatively close proximity rather than spreading them out, creating a negative impact at multiple locations.

There will be landscape and visual impacts associated with the proposal particularly until the proposed landscape buffer becomes established and matures. These impacts are however considered acceptable in the context of the benefits that the proposal will bring in terms of net economic benefit and contributing to energy storage. The proposal will support the resilience of the electricity network and contribute to sustainable development, providing for greater and more efficient use of renewable energy generation in the electricity system, and in this regard, it will contribute to greenhouse gas emission reduction targets.

Overall the benefits of the proposed development are considered to outweigh any adverse impacts. The proposal is therefore considered to be acceptable when assessed against the relevant policies of National Planning Framework 4, the adopted Inverclyde Local Development Plan as well as the proposed Inverclyde Local Development Plan.

## **RECOMMENDATION**

It is recommended that the response to the Scottish Ministers is that Inverclyde Council does not object to the proposed development. It is also recommended that the Scottish Ministers attach the following conditions to any deemed planning permission that may be granted:

1. The development to which this permission relates must be begun within 3 years from the date of the permission. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority no later than one calendar month before that date.
2. Development shall not commence until details of the phasing of the development has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved phasing scheme unless any change is agreed in advance in writing by the Planning Authority.
3. Development shall not commence until a decommissioning, restoration and aftercare strategy has been submitted for the approval in writing by the Planning Authority. The strategy shall be submitted no later than 12 months from the first operation of the development. The strategy shall outline measures for the decommissioning of the development and the restoration and aftercare of the site and shall include proposals to remove the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.
4. No later than 3 years prior to the decommissioning of the development a detailed decommissioning, restoration and aftercare plan, based on the approved decommissioning, restoration and aftercare strategy, shall be submitted for the approval in writing by the Planning Authority. The decommissioning, restoration and aftercare plan shall provide updated and detailed proposals for the removal of the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions. Thereafter the development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved plan unless agreed in advance in writing by the Planning Authority.
5. Development shall not commence until details of a bond or other financial provision to cover the completion of the restoration works together with any failure of the restoration works or in the aftercare arrangements associated with the site restoration and the decommissioning of the above ground infrastructure shall be agreed in writing the Planning Authority. As part of this agreement the



applicant shall set out how the approved bond or other financial provision is maintained throughout the duration of this consent and that it will be subject to a five yearly review, to be conducted by a competent independent professional.

6. For the avoidance of doubt if the battery storage facility does not import or export electricity to the grid for a continuous period of 12 months the applicant/developer shall, no later than the date of expiration of the 12 months period, submit a scheme to the Planning Authority setting out how the development is to be removed from the site and fully restored. Thereafter the approved scheme shall be implemented within 12 months of the date of approval unless otherwise agreed in writing by the Planning Authority.

7. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site in relation to a fixed datum point have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

8. Development shall not commence until samples of materials to be used on all external surfaces of the buildings in site and hard surfaces have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details unless any alternative has been approved in advance by the Planning Authority.

9. Development shall not commence until full details of the proposed landscaping/planting as indicated on the "Landscape Masterplan" (Figure 5B of the Landscape and Visual Assessment) have been submitted to and approved in writing by the Planning Authority. The details shall include the phasing of the planting and a schedule of plants to comprise species, proposed numbers and density. Thereafter the landscaping/planting works shall be carried out in accordance with the approved details and shall be completed no later than the planting season immediately following the first operation of the development hereby approved. Any planting which, during the lifetime of the development, is considered by the Planning Authority to be dead, dying, severely damaged, or diseased shall be replaced by planting of a similar size and species to those originally approved.

10. Development shall not commence until details of the widening of Auchentiber Road adjacent to the proposed vehicular access to the site, and as indicated on drawing RHC-23-128-01 Rev A, have been submitted to and approved in writing by the Planning Authority. Following approval the widening of the road shall be completed no later than the first operation of the development hereby approved.

11. For the avoidance of doubt visibility splays of 2.4m by 33m shall be formed in both directions along Auchentiber Road at the vehicular access to the site and thereafter maintained for the duration of the development.

12. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water drainage regime shall be incorporated into the development. Development shall not commence until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the Planning Authority. Thereafter the surface water management details shall fully be implemented as approved.

13. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The CTMP shall contain details: on routing of all traffic associated with the development on public roads taking account of any height restrictions; allow for no HGV movements on the B788 Kilmacolm Road, Greenock Mondays to Fridays between 8.00-9.15am and between 2.30-3.30pm during school term time; measures to ensure that specific routes are adhered to, including monitoring procedures; details of signage and lining arrangements to be put in place; allow for any "no entry" signs to not be placed on the public road network; allow for "no right turn" signs to be placed within the site to advise drivers to turn left towards the B788 Auchenfoil Road; during the delivery period of the construction materials, any additional signing or temporary traffic control measures necessary due to the size and length of any loads being delivered; provisions for emergency vehicle access;

and identification of a nominated person to whom any road safety issues can be referred. Thereafter the approved CTMP shall be fully implemented unless otherwise agreed in advance in writing by the Planning Authority in consultation with Transport Scotland.

14. For the avoidance of doubt the access road into the site shall be 5.5m wide for the first 20m and be fully paved over this length. Any gates to be installed on the access road shall be a minimum of 10m back from the road.

15. Development shall not commence until details of external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) has been submitted to an approved in writing by the Planning Authority.

16. Development shall not commence until within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the agreed programme.

17. Development shall not commence until a Material Management and Verification Plan has been submitted for approval in writing by the Planning Authority. This shall include details of all deposits reused or imported for fill and landscaping. The details of any imported fill/landscape materials shall be demonstrated suitable for the corresponding intended function. The type of information provided in the verification plan shall include the material function, origins, volume, chemical characteristics (including soil-leachate and geotechnical analysis as required), with placement plans and thickness of deposit.

18. The discovery of Japanese Knotweed or any previously unrecorded contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and a Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure to allow the Planning Authority to monitor compliance with the conditions attached to the permission.

2. In order to ensure a properly programmed development.

3. To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interest of safety, amenity and environmental protection.

4. To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interest of safety, amenity and environmental protection.

5. To ensure that sufficient funds are in place to cover the completion of the restoration works together with any failure of the restoration works or in the aftercare arrangements associated with the site restoration and the decommissioning of the above ground infrastructure in the interests of protecting and minimising the impact on the environment and surrounding area.

6. In the interests of maintaining control of the development should it become redundant and to ensure that the site is restored.

7. To ensure that the levels are acceptable at this location.

8. To ensure the development is acceptable in appearance.
9. In order to ensure the planting is acceptable at this location.
10. In the interests of roads safety.
11. In the interests of roads safety.
12. In the interests of sustainable development.
13. In the interests of roads safety and to ensure that the transportation of plant and/or materials do not have a detrimental effect on the road and structures along the route.
14. In the interests of roads safety.
15. To ensure the external lighting is acceptable and to avoid dazzling drivers of vehicles using the public roads network.
16. In order to identify and protect any archaeological remains.
17. To sustainably manage and protect soil resources and ensure quality of any imported materials in the interests of human health and environmental protection.
18. To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

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Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean McDaid on 01475 712412