

Ref: CM

Date: 28 May 2024

**A meeting of the Planning Board will be held on Wednesday 5 June 2024 at 3pm.**

**Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Tuesday 4 June 2024 how they intend to access the meeting.**

**In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.**

**Information relating to the recording of meetings can be found at the end of this notice.**

LYNSEY BROWN  
Head of Legal, Democratic, Digital & Customer Services

## **BUSINESS**

1.	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2.	<b>Continued Planning Applications</b> Report by Director Environment & Regeneration on continued application for planning permission as follows:	
(a)	<b>Ms Jane Borodkin</b> Change of use of flat to short term lets: 24 Admirals Court, 84 Kempock Street, Gourock (24/0019/IC)	<b>p</b>
3.	<b>Planning Applications</b> Reports by Director, Environment & Regeneration on applications for planning permission as follows:	
(a)	<b>Mr Craig Sloan</b> Erection of two and a half storey detached dwellinghouse (amendment to previous planning permission 23/0067/IC to increase footprint and height of house as well as elevational alterations): Plot 6, Leperstone Avenue, Kilmacolm (24/0036/IC)	<b>p</b>
(b)	<b>Mr and Mrs A. Young</b> Sub-division of rear garden and erection of detached dwellinghouse: Redgates, Castlehill Road, Kilmacolm (24/0022/IC)	<b>p</b>
(c)	<b>Big Battery (Flatterton Farm) Limited</b> Multiple containerised battery storage units with associated infrastructure, access, control building, switch room, inverter containers, lighting and associated works: Flatterton Farm, Flatterton Road, Greenock (23/0205/IC)	<b>p</b>

(d)	<p><b>Gresham House Asset Management Limited</b>  Erection of 8 wind turbines, construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers, culverts), formation of borrow pit, erection of sub-station and control building, formation of car park and temporary construction compounds (amendment to Condition 2 of planning permission 13/0199/IC granted on appeal by the Scottish Minister to extend the operational lifespan from 25 years to 50 years) (Section 42 application):  Land North and East of Corlic Hill, Greenock (23/0236/IC)</p>	p
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Enquiries to – **Colin MacDonald** – Tel 01475 712113

Report To: The Planning Board

Date: 5 June 2024

Report By: Director, Environment and Regeneration

Report No: 24/0019/IC

Local Application  
Development

Contact  
Officer: Katrine Dean

Contact No: 01475 712413

Subject: Change of use of flat to short term lets at  
24 Admirals Court, 84 Kempock Street, Gourrock



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## SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal accords with the adopted and proposed Local Development Plans.
- There have been 11 representations objecting to the application.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

[24/0019/IC | Change of use of flat to short term lets | Flat 3-1 24 Admirals Court 84 Kempock Street Gourock PA19 1ND \(inverclyde.gov.uk\)](https://www.inverclyde.gov.uk/24/0019/IC/Change-of-use-of-flat-to-short-term-lets/Flat-3-1-24-Admirals-Court-84-Kempock-Street-Gourock-PA19-1ND)

## **BACKGROUND**

At the April 2024 meeting of the Planning Board the determination of this application was continued until after a report on Short Term Lets had been brought to the Environment & Regeneration Committee.

The Supplementary Planning Guidance - Short Term Lets report was presented to the Environment & Regeneration Committee on 16th May 2024.

The Environment & Regeneration Committee approved the Supplementary Planning Guidance as a basis for supporting the determination of applications for planning permission for short-term lets.

## **SITE DESCRIPTION**

The application site is a two-bedroom flat within a flatted building which fronts onto Kempock Street, with rear access onto Lower Kempock Street in the centre of Gourock. The building is four storeys at the front with retail units on the ground floor, and five storeys at the rear with views of the Firth of Clyde. The building has a pitched and tiled roof, is finished in grey coloured render and brown coloured cladding to the ground floor.

The site is located in Gourock Town Centre as well as the Kempock Street/Shore Street Conservation Area. There is a variety of uses/premises in the immediate vicinity including a café, public house, restaurants, local supermarket, outdoor pool, gym, and a car park. Gourock train station is nearby and the site is served by the 901 bus service, linking the area to Glasgow.

## **PROPOSAL**

This application seeks planning permission to change the use of the flat to short term lets. No physical alterations to the flat are proposed in this application. Short term lets are to be available all year round with 1 to 4 guests accommodated per let. A minimum of 4-night lets would be accommodated with no maximum time period. A total of 73 lets are indicated as being accommodated per year. There is no allocated/designated parking with the premises.

It had been indicated by the agent that the use for short term lets had taken place and have now ceased operation during the planning application process.

## **DEVELOPMENT PLAN POLICIES**

### **National Planning Framework 4**

NPF4 was adopted by the Scottish Ministers on 13<sup>th</sup> 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 13<sup>th</sup> 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 7**

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.

Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

#### **Policy 14**

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.

#### **Policy 27**

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres, and

ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

- all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
- the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
- the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

## **Policy 30**

- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
  - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

## **ADOPTED 2019 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 10 – Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **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 22 - Network of Centres Strategy**

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

### **Policy 27 – Tourism Development**

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a) it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) major trip-generating proposals can be accessed by sustainable means; and
- c) it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

### **Policy 28 – Conservation Areas**

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

### **Planning Policy Supplementary Guidance – ‘Short Term Lets’**

## **PROPOSED 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 11 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means

other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

### **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 23 - Network of Centres Strategy**

The preferred locations for the uses set out in Schedule 5 are within the network of town and local centres identified in Schedule 6. Proposals which accord with the role and function of the network of centres as set out in Schedule 6 and the opportunities identified in Schedule 7 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

### **Policy 27 – Tourism Development**

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a) it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) major trip-generating proposals can be travelled to by sustainable modes of transport; and
- c) it is appropriately sited and designed for its location and avoids significant adverse impact on the resources protected by the Plan's historic buildings and places, and natural and open spaces chapters.

### **Policy 28 – Conservation Areas**

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future



of the building. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

## **Planning Policy Supplementary Guidance – ‘Short Term Lets’**

### **CONSULTATIONS**

**Head of Service – Roads and Transportation** – Advises that the property as a 2-bedroom flat requires 2 parking spaces and that no additional parking spaces are required. Furthermore, the applicant should be advised that residents parking permits are in place in this area to allow residents to park for more than 3 hours for free however they would not be granted for any short term lets due to guests not meeting the criteria of having a vehicle registered to the property, it not being their home address.

### **PUBLICITY**

An advertisement was placed in the Greenock Telegraph on 2nd February 2024 due to development affecting a conservation area.

### **SITE NOTICES**

A site notice was posted on 2nd February 2024 due to development affecting a conservation area.

### **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification and 11 objections were received on the following grounds:

- Strangers coming and going.
- Title deeds state that the flat should only be occupied as private dwelling, whereas the applicant is running a business.
- Key safe had been left open, which could have resulted in unauthorised access to properties.
- Safety and security would be compromised.
- 2 to 3 different people per week using the flat.
- 7 people in apartment at once.
- The lift in the building is very small and had been used by the guests instead of elderly residents.
- Residents did not receive letters during neighbour notification.
- Devaluation of property.
- Flat is currently being used for short term lets.
- Key safe is located outside of objectors' living room window and guests have knocked several times on the window to get in the building which resulted in loss of privacy and detriment to amenity.
- May result in crime at the building.
- Flat being used for parties.
- Arrivals and departures during unsociable hours.
- No respect for the residents.
- Misuse of the lift and other communal facilities.
- Residents pay for bins and communal areas to be cleaned.
- Let may cause the building to fall into disrepair due to the need for upgrade of carpet and painting of walls more frequently which the residents pay for.
- Many elderly residents in the building would not feel safe in their homes from the comings and goings of strangers.
- Possible anti-social behaviour.

- There are around 20 other short term let properties advertised in the area, therefore visitor demand is being met elsewhere and there is no need for another one.
- There is a shortage of homes for long term let purposes in the building.
- Concern for noise and disruptive behaviour in the building.
- Possible negative cumulative impact of short term lets in the area by allowing this application.
- Guests were not wearing masks during the pandemic.

## ASSESSMENT

The material considerations in determination of the application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP), Inverclyde Planning Policy Supplementary Guidance - 'Short Term Lets'; the consultation response; and the amenity impact.

Both LDPs locate the application site within a town centre which requires the development to be considered under Policies 14 and 27 of NPF4; Policy 1 and 22 of the adopted LDP and Policies 1 and 23 of the proposed LDP. As the application is for short term/holiday lets, a tourism related use, which brings visitors to the site, Policy 30 of NPF4, Policies 10, 11 and 27 of the adopted LDP and Policies 11, 12 and 27 of the proposed LDP are also relevant to this application.

The qualities of being 'Connected', 'Sustainable' and 'Adaptable' in Policy 14 of NPF4 are relevant to this application. The relevant qualities in Policy 1 of the LDPs are being 'Resource Efficient', through making use of existing buildings and previously developed land; 'Easy to Move Around', by being well connected and recognising the needs of pedestrians and cyclists; and 'Safe and Pleasant' which can be achieved through avoiding conflict with adjacent uses and minimising the impact on traffic and parking on the street scene.



View of 24 Admirals Court, 84 Kempock Street from the front

The development supports the commitment to investing in the long-term value of buildings by allowing flexibility to accommodate different uses, thereby meeting the quality of being 'Adaptable' under Policy 14 of NPF4 and meeting the quality of being 'Resource Efficient' by making use of existing buildings under Policy 1 of both LDPs.

Policy 27 of NPF4 supports development proposals that enhance and improve the vitality and viability of town centres. Policy 22 of the adopted and Policy 23 of the proposed LDPs indicate the preferred location for a variety of uses identified in Schedule 6 and Schedule 5 respectively as being within the network of town or local centres. Short term lets are not specifically identified in Schedule 6 or Schedule 5. Notwithstanding, being in a town centre the site is considered to be accessible by a variety of transport modes and is considered to be a sustainable location. The town centre contains a variety of commercial uses which this proposal would add to. The proposed use can therefore be considered to accord with the role and function of the town centre. The proposed use in general terms can therefore be considered to accord with the terms of Policy 27 of NPF4, Policy 22 of the adopted LDP and Policy 23 of the proposed LDP. Furthermore, the development in its proposed town centre location also complies with Inverclyde Planning Policy Supplementary Guidance on 'Short Term Lets'.

Policy 30 of NPF4 supports the reuse of existing buildings for short-term holiday letting where they do not result in an unacceptable impact on the amenity and character of an area or result in the loss of residential accommodation, unless such a loss is outweighed by demonstrable local economic benefits. The flat is within a town centre and it is acknowledged that there is a loss of a flat however visitors using the flat are likely to contribute to the vitality and viability of the local economy. It is therefore considered that the economic benefits of this use outweigh the loss of one residential flat.

The use offers an alternative form of accommodation which is more transient, however, this is not considered to be out of keeping or out of character with the mixed nature of this town centre. In considering impacts on neighbouring amenity, the use requires to be assessed in terms of its impact on adjacent uses with regards to noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing.

Although there is the potential for noise disturbance from occupants/guests, this is not considered to be significantly different from noise disturbance from a general residential/rented use. However, should any excessive noise result from the use of the property, this should be reported to the Council's Public Protection Service to investigate under their remit. Any anti-social or criminal behaviour is a matter for Police Scotland to investigate. In terms of the impact on the elderly, again, the difference between short-term and long-term rent is not considered to be significant in this regard. It is not considered that the proposed use would impact the existing levels of overlooking in this location. As such, the proposed use complies with Policy 27 a) of the LDPs and can be considered to meet the quality of being 'Safe and Pleasant' in terms of avoiding conflict with adjacent uses in Policy 1 of the LDPs. The use also complies with Policy 20 of the proposed LDP.

The site is accessible by the Gourock train station and the 901-bus route linking the site to Glasgow and Greenock. There are number of facilities and commercial premises nearby that can be used by the occupants/guests and the site is considered to be in an accessible location. Based on this, the use meets the qualities of being 'Connected' in Policy 14 of NPF4, 'Easy to Move Around' in Policy 1 of both LDPs and complies with Policy 27 b) of both LDPs. The development, in providing Sustainable and Active Travel, complies with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP.

In considering the impacts of the development on traffic and parking on the street scene, the Head of Service - Roads and Transportation has no objections. The development does not require additional parking to be provided and is considered unlikely to have an adverse impact on the operation of the transport and active travel networks. Should planning permission be granted an advisory note would be applied to inform the applicant of the parking permit restrictions in the area. The development therefore accords with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. The development also meets the quality of being 'Safe and Pleasant' through minimising the impact of traffic and parking on the street scene. As the development meets all relevant qualities of successful places, it accords with Policy 14 of NPF4 and Policy 1 of both LDPs. As no physical/external alterations are proposed in this application, the proposal would have no impact on the Conservation Area, and therefore it also complies with Policy 28 of both LDPs.

With regards to the objections that have not already been addressed above the following comments are made. Title deed particulars, key safe location, size and use of the lift, maintenance arrangements, the impact on property values and guests not wearing masks during the pandemic are not material considerations in determining this planning application. Shortage of residential accommodation is not considered to be an issue as there are a limited amount of short term lets accommodation in the area. The required neighbour notification has been carried out. The applicant has advised during the processing of the application that although the use as short term let had occurred in the past, the flat is currently not being used for this purpose, therefore the application is being assessed for a proposed use.

### Overall Conclusion

The development generally accords with Policies 14, 27 and 30 of NPF4, Policies 1, 10, 11, 22, 27 and 28 of the adopted LDP, Policies 1, 11, 12, 23, 27 and 28 of the proposed LDP and Inverclyde Planning Policy Supplementary Guidance on 'Short Term Lets'. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The development is in accordance with the relevant Plan Policies and there are no material considerations which outweigh these policies.

### **RECOMMENDATION**

That the application is granted subject to the following condition:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Stuart Jamieson  
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Katrine Dean on 01475 712413.

Report To: The Planning Board

Date: 5 June 2024

Report By: Director  
Environment and Regeneration

Report No: 24/0036/IC

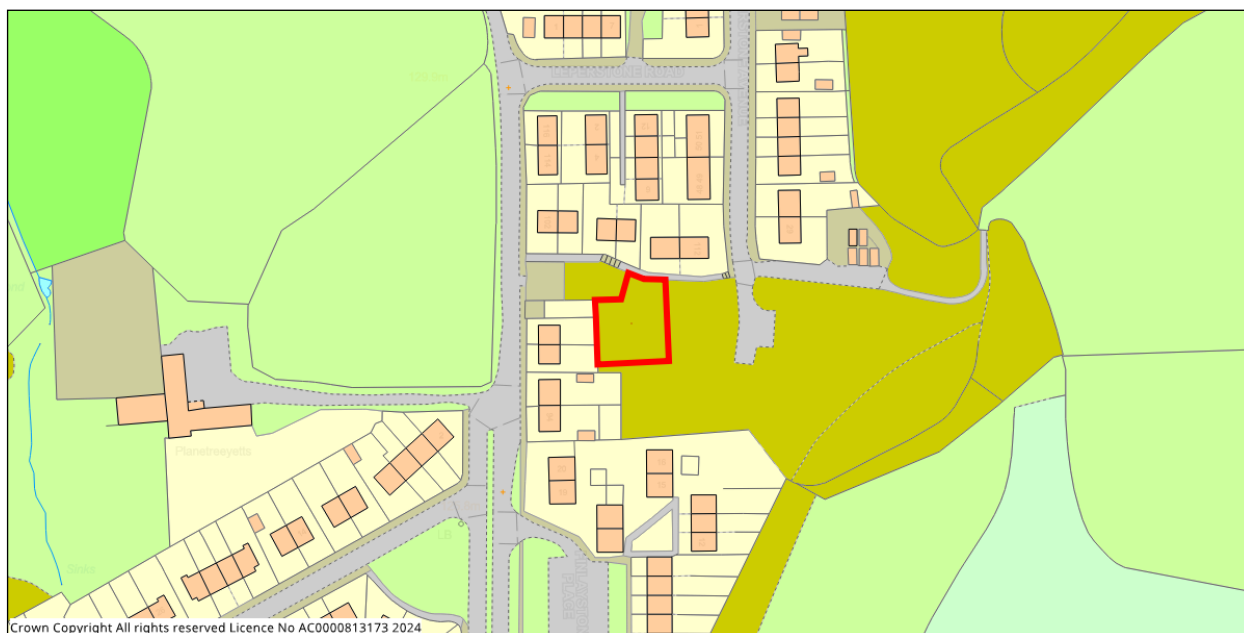
Local Application  
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

Subject: Erection of two and a half storey detached dwellinghouse (amendment to previous planning permission 23/0067/IC to increase footprint and height of house as well as elevational alterations) at

Plot 6, Leperstone Avenue, Kilmacolm.



## SUMMARY

- The proposal raises no conflict with National Planning Framework 4.
- The proposal complies with the adopted and proposed Inverclyde Local Development Plans.
- Seven objections have been received from twelve individuals raising concerns over scale, smoke pollution and impacts on daylight, privacy and property values.
- An objection has been received from the Kilmacolm and Quarriers Village Community Council.
- The consultation responses raise no impediments to development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=S9911HIMJWK00>

## **SITE DESCRIPTION**

The application site relates to a plot of ground allocated for a residential dwellinghouse within a wider site comprising 7 plots at the southern end of Leperstone Avenue, Kilmacolm. The plot is in the north-west corner and is accessed by a private shared driveway along with the adjoining plot which branches off the west side of Leperstone Avenue. The plot extends to approximately 546m<sup>2</sup> in area. The site is mainly grassed over at present and contains 1.8m high timber fencing around the north and west boundaries.

There are single storey semi-detached dwellinghouses to the north, separated from the site by a public footpath set on ground raised by approximately 3.5m above the application site. There is an undeveloped plot to the east which is raised by up to 0.5m relative to the application site. There are two-storey semi-detached dwellinghouses to the west which are on ground between 0.5 and 1.5m lower than the application site. There is an area of open space containing the storm water detention basin for the development at this location to the south, with single storey semi-detached dwellinghouses beyond.

## **PREVIOUS PLANNING APPLICATIONS**

Planning permission 14/0409/IC was granted on 8th October 2015 for the construction of a new road and creation of development platforms with associated servicing and groundworks for seven individual dwellinghouses at the southern end of Leperstone Avenue. Condition 2 of this planning permission requires future applications for each dwellinghouse to accord with the approved Design Statement. The design statement sets out various design criteria for the subsequent dwellings and their associated plots, intended to allow variations in house design and plot development whilst adhering to common criteria to establish a recognisable development theme between the plots. To date only one of the plots has been fully constructed.

Planning permission 23/0067/IC was subsequently granted on 6th July 2023 for the erection of a detached dwellinghouse covering a footprint of approximately 120m<sup>2</sup> and associated works on the current application site. To date this planning permission has not been implemented.

## **PROPOSAL**

Planning permission is now sought to increase the footprint of the proposed dwellinghouse to approximately 145.5m<sup>2</sup> from 120m<sup>2</sup> and to increase the height of the dwellinghouse as well as elevational alterations.

The proposed dwellinghouse is to be two and a half storeys and incorporates a single storey flat roof rear extension that runs across the full width of the dwellinghouse and extends out from the rear elevation by approximately 2.1m. The proposed roof height is to be increased by approximately 1.2m to 9m, as a result of increasing the roof pitch from 35° to 40°. The footprint of the dwellinghouse is to be increased to the rear and west side of the plot from approximately 13.5m to 13.7m in width and from approximately 9.5m to 10.6m in length at ground floor level and from 8.25m to 8.5m at first floor level. The front and east side elevations are to be retained in the same position within the site as approved under 23/0067/IC.

In terms of elevational alterations, there is to be a main access door in the centre of the principal elevation, floor length windows on each side at ground floor level and three windows at first floor level. A dormer window which extends up in line with the wall head is to be positioned in the centre of the principal elevation. The two windows directly above the entrance door are to contain matching glazing design and proportions and the other two first floor windows are to contain matching glazing design and proportions. On the side elevation facing east there are to be two ground floor windows and one first floor window. On the side elevation facing west, there are to be one window on each floor. These three windows are to be vertically aligned. The rear elevation is to contain two windows, a door and a bi-fold door at ground floor level and three windows at first floor level.

Finishing materials are to be: a slate roof; white coloured smooth render walls, with a masonry base course; grey coloured facing bricks at ground floor level on the principal elevation and front halves of the side elevations; vertical cladding on the rear elevation at ground floor level; dark grey coloured cladding on the sides of the dormer window; grey coloured single ply on the roof of the dormer window and roof of the rear extension; grey coloured aluminium windows; and black coloured rainwater goods. The roof is to contain three rooflights on the rear facing roof slope, a single rooflight on the front facing roof slope on the east side of the dormer window and solar panels on the west side of the dormer window.

#### **NATIONAL PLANNING FRAMEWORK 4 (NPF4)**

NPF4 was adopted by the Scottish Ministers on 13<sup>th</sup> 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 13<sup>th</sup> 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**

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

#### **Policy 2**

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.

#### **Policy 9**

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalized should be taken into account.

#### **Policy 13**

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.

#### **Policy 14**

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.

#### **Policy 15**

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

#### **Policy 16**

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;



- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

## **ADOPTED 2019 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 6 – Low and Zero Carbon Generating Technology**

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022. Other solutions will be considered where:

- (a) It can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- (b) There is likely to be an adverse impact on the historic environment.

\*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

### **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 10 – Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **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 16 – Contaminated Land**

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

**Planning Application Advice Notes (PAAN) 2** on “Single Plot Residential Development” and **(PAAN) 3** on “Private and Public Open Space Provision in New Residential Development” apply.

## **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 6 – Low and Zero Carbon Generating Technology**

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic or natural environment.

\*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

### **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 11 – Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

### **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 17 – Brownfield Development**

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

### **Policy 18 – Land for Housing**

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

### **Policy 20 – Residential Areas**

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

**Draft Planning Application Advice Notes (PAAN) 2** on "Single Plot Residential Development" and **(PAAN) 3** on "Private and Public Open Space Provision in New Residential Development" apply.

## **CONSULTATIONS**

**Head of Service – Roads and Transportation** – Advises as follows:

- Parking should be provided in accordance with the National Guidelines. The proposed development has 4 bedrooms. This requires 3 parking spaces. The applicant has shown 3 spaces to the front of the property which is accessed via a private access. Should there be more than 4 bedrooms the Planning Service should advise.
- The minimum dimensions of the driveway should be 3m wide by 6.0m long for one of the parking spaces and 2.5m by 6.0m for the others. There should also be a minimum of 0.9m

path past these parking spaces where the driveway forms part of the pedestrian access to the property. The applicant should demonstrate that this can be achieved.

- Parking spaces to be fully paved and the driveway gradient should not exceed 10%.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.0m x 20.0m x 1.05m. This shall be agreed with Roads Service.
- A Section 56 Agreement is required for the footway crossover to the driveway if it affects the public road network. This should be extended to the full length of the parking bays.
- All surface water run-off is to be contained within the site and be limited to that of greenfield run-off.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.
- Drainage details must be submitted for approval.

**Public Protection Manager** – Advises as follows:

- There is a 'discovery strategy' for this site. It is recommended that the chemical quality of any imported topsoil be verified as being suitable for domestic and food growing activity (i.e. meets the British Standard BS3882:2015 Specification for Topsoil).
- PAN33 Advisory: The planning authority determines the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The responsibility for the safe development of the site rests with the developer.
- That 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. This is advised to ensure that all contamination and Japanese Knotweed concerns are managed appropriately.
- The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place. This is advised to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
- All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption". This is advised to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations. This is advised to ensure that acceptable noise and vibration levels are not exceeded.
- Advisory notes are recommended in respect of: site drainage; rats, drains and sewers; Construction (Design & Management) Regulations 2015 (CDM 2015); and the design and construction of buildings in relation to gulls.

**Scottish Water** – No objection however the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Advises that there is water capacity for the development; Scottish Water is unable to confirm waste-water capacity currently and suggests the applicant completes and submits a Pre-Development Enquiry form to Scottish Water; capacity at water/waste-water treatment works cannot be reserved. Also advises Scottish Water will not accept any surface water connections into the combined sewer system.

Indicates there is live infrastructure in the proximity of the development area in the form of 225mm combined sewer. Advises the applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team for an appraisal of the proposals; any conflict with assets identified will be subject to restrictions on proximity of construction; and written permission must be obtained before any works are started within the area of the apparatus.

## **PUBLICITY**

An advertisement was placed in the Greenock Telegraph on 1st March 2024 due to there being neighbouring land with no premises situated on it.

## **SITE NOTICES**

The nature of the proposal did not require a site notice.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification and seven objections were received from twelve individuals. The grounds of objection are summarised as follows:

- Building height does not reflect existing surroundings.
- Size of building will dominate all the surrounding buildings.
- Impacts of roof height increase on natural light to neighbouring properties.
- Loss of direct sunlight to neighbouring gardens.
- Contravention of policies which stipulate new builds within these plots will be no higher than 2 storeys and windows to be at least 18m apart from existing dwellings.
- Proximity of windows to neighbouring windows.
- Loss of privacy to neighbouring rear garden areas.
- Smoke pollution from the wood stove.
- Height and position of the flue.
- Devaluation of nearby houses.

The Kilmacolm Community Council objects to this proposal where it appears to conflict with Planning Application Advice Note No 2 as follows:

- The proposed building height, roof design, use of materials and colours should reflect those in the locality. The plan is for a de-facto three storey structure. The surrounding homes are mostly single storey bungalows. There are some two storey houses further from the site. The building height, of over 9 metres, and roof design do not reflect those in the locality. It will be important to remember that the surrounding houses are constructed of brick covered with a grey roughcast when considering use of materials and colour for the new structure.
- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Since windows on the plan are directly opposite windows on adjacent properties, the minimum window to window distance will be 18 metres. It is not clear from the plans that this is so and asks planning officers to confirm this constraint is met.
- While in Scotland there is no statutory "right to light", suggests it would perhaps be unreasonable for the planning committee to approve the building of a structure which would constitute a form of nuisance to neighbours and ask planning officers to assess the impact of the structure on adjacent properties.

The Kilmacolm Civic Trust has no objection to this proposal.

## **ASSESSMENT**

The material considerations in determination of the application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP); the adopted and draft Planning Application Advice Notes (PAAN) 2 on "Single Plot Residential Development" and (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development"; the consultation responses; and the previous planning permissions.

## Location of Development and Policy Context

The Spatial Development Strategy of both the adopted and proposed Local Development Plans directs residential development to existing built-up areas in the first instance. In this regard the site is located within the existing settlement boundary of Kilmacolm in both Local Development Plans and within an established residential area under Policy 20 of the proposed Local Development Plan. The application site is identified for residential development in both the adopted and proposed LDPs and planning permission was recently granted in July 2023 for the erection of a single dwellinghouse within the site. As such the site is a sustainable location and therefore the proposal accords in general terms with the Spatial Development Strategy and is consistent with the terms of Policies 1, 2, 9 and 15 of NPF4.

Policy 20 of the proposed LDP requires development within residential areas to be assessed with regard to their impact on the amenity, character and appearance of the area. The surrounding area is residential in character and contains a variety of house types and designs. The proposal reflects this general context although the position and design of the house will be considered in greater detail below against other relevant development plan policies and guidance. Policy 18 of the proposed LDP supports new housing development on sites identified in Schedule 3 and on other appropriate sites within residential areas. The application site is part of a Housing Development Opportunity Site identified in Schedule 3 (R60) with an indicative capacity of 7 units. As such and being in a residential area the proposed dwellinghouse can be considered to result in local living to accord with the terms of Policy 16 of NPF4.

NPF4, the Spatial Development Strategy of both the adopted and proposed Local Development Plans as well as Policy 20 of the proposed Local Development Plan give general support for this proposal. However, the proposal also needs to be considered in greater detail with reference to the other relevant development plan policies as follows.

Policy 14 of NPF4 and Policy 1 of both LDPs refer to qualities of successful places. The qualities of being Pleasant, Connected, Distinctive and Sustainable in Policy 14 are relevant to this proposal. The relevant qualities in Policy 1 of both LDPs are being 'Distinctive', 'Resource Efficient', 'Easy to Move Around', 'Safe and Pleasant' and 'Welcoming'. In the adopted LDP, the relevant factor to be considered 'Distinctive' is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors are whether the proposal respects landscape setting and character, and urban form; and reflects local vernacular/architecture and materials. To be considered 'Resource Efficient', the proposal should make use of existing buildings and previously developed land and incorporate low and zero carbon energy-generating technology and to be considered 'Easy to Move Around', the proposal should be well connected and recognise the needs of pedestrians and cyclists. To be considered 'Safe and Pleasant', the proposal should avoid conflict with adjacent uses and minimise the impact of traffic and parking on the street scene and to be considered 'Welcoming', the proposal should integrate new development into the existing community and make buildings legible and easy to access. Policy 1 of both LDPs also require consideration to be given to relevant supplementary guidance, of which the adopted and draft PAANs 2 and 3 and the supplementary guidance on Energy are relevant to this proposal.

In addition, as the application includes the provision of a new building, Policy 6 in both LDPs is applicable. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP require to be considered in terms of drainage impact. As the proposal will generate traffic and parking, and future sustainability requirements in respect of car use are required to be considered, Policies 10 and 11 of the adopted Plan and Policies 11 and 12 of the proposed Plan are also relevant. Policy 16 of the adopted LDP also requires consideration in respect of possible contamination.

The principle of a dwellinghouse on this site has been established under planning permissions 14/0409/IC and 23/0067/IC. Both of these planning permissions are material considerations in determining the current application. A key consideration in the determination of the current application is the extent of the changes compared with planning permission 23/0067/IC. The current application increases the height and footprint of the dwellinghouse and changes to the external house design as well as the external materials and these changes shall be considered

below. The dwellinghouse now proposed however is in a similar position within the plot, with the front and east side elevations remaining in the same location.

### Design and Layout

In assessing the design changes proposed, both PAAN 3s consider the proposal as a small-scale single plot infill development and advises that small-scale infill developments should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. In all instances the minimum window to window distances should be achieved.

In considering the detail of the proposed development with respect to the applicable criteria in both PAAN 2s, the plot size and distance of the building to garden boundaries all reflect the locality; the proposal does not alter the established street front building line from the existing permission; and the level of car parking provision is acceptable. The objections raised regarding the increase in building size and window intervisibility are noted. In this respect, the size of the building footprint increases the proportion of built ground from the previously consented dwellinghouse which covered around 22% to just under 27%, which is comparable to neighbouring properties, which cover between 18% and 29% of their respective plots. The proposal is not considered to result in overdevelopment of the site and provides an acceptable area of private/rear garden ground.

In considering the increase in building height proposed, Condition 1 of planning permission 14/0409/IC sets out that development is to accord in general terms with the requirements of the approved design brief. The design brief identifies that in terms of massing, houses shall be a maximum of 2 storeys in height, that attic trusses may be permitted for loft use or conversion and dormer windows are permitted subject to full planning approval. Roof pitches should be between 20 and 40 degrees which the proposed roof meets. The proposed design includes a second-floor level which would be contained within the attic trusses. The design brief permits the provision of a space within the attic trusses for loft use or conversion and as such, the proposal is not considered to conflict with this element of the design brief.



View facing north across the application site taken from the south-east boundary at the access point.

Although the proposal has a front dormer window and includes rooflights it generally has the appearance of a two storey dwellinghouse. The proposal is considered compatible with surrounding properties and the requirements of the approved design brief. The external materials and finishes for the building are considered acceptable with respect to the design brief and can be considered appropriate. It stands that the proposal reflects local architecture and urban form, in accordance with the quality of being 'Distinctive' in Policy 1 of both LDPs.



Regarding window intervisibility, the ground floor level of the dwellinghouse is to be positioned approximately 3.6 metres lower than the ground floor level of the neighbouring houses to the north. Although the kitchen window is to be positioned approximately 15.7m from the nearest window on the house to the rear at 110 Finlaystone Road, the existing rear boundary fence will obscure neighbouring windows from view of the windows on the rear elevation at ground floor level. The dressing area window and the window of Bedroom 2 on the rear elevation at first floor level are to be sited approximately 17.6m and 17.9m from the nearest window on the house to the rear at 110 Finlaystone Road respectively. These are almost directly facing and slightly closer than the 18m minimum window intervisibility distance recommended in the window intervisibility guidance. All other windows on all other properties exceed the 18m minimum distance for directly facing windows. It is noted that the boundary fence is to be positioned on ground approximately 0.3m higher than the first-floor level of the dwellinghouse and is approximately 0.4m lower than the floor level of the adjoining house. Following discussions with the applicant, they have submitted revised drawings showing that a rear boundary fence 2m in height is to be located along the rear of the site. This increase in fence height will fully obscure windows from both properties, addressing any conflicts in terms of intervisibility. This matter can be secured by condition on the grant of any planning permission. Providing this is met the proposal is considered to accord with the guidance in both PAAN 3s.

Both PAAN 2s state that windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing. The proposal includes side facing windows on both side elevations of the dwellinghouse within 9 metres of the site boundary. On the west elevation these comprise a lounge window at ground floor level, a bathroom window at first floor window and a walk-in wardrobe window at second floor level. On the east elevation these comprise bathroom and utility room windows at ground floor level and a further bathroom window at first floor level. The utility room is set on lower ground than the adjoining plot and any views will be screened by the boundary fence. All bathroom windows and the walk-in wardrobe window on the west side elevation at second floor level are to contain opaque glazing which is considered acceptable to prevent overlooking. The provision and retention of obscure glazing on these windows can be addressed by a planning condition.

In respect of the lounge window, the applicant has submitted drawings indicating that any overlooking from this window can be mitigated by a 2.2m high privacy screen along the side boundary. It is noted on site that the rear boundary along 100 Finlaystone Road descends from north to south and that a 2.2m high privacy screen would obscure the lowest areas of the garden towards the south to a height of 1.8m where within 11.5m of the window, exceeding the 9m distance recommended in both PAAN 2s. The overlooked distance would increase to the north as the fence height follows the topography of the boundary, to the point where the entire rear garden area would be fully obscured from direct view of the window. The provision of the privacy screen to this height can be considered to provide sufficient privacy for the neighbouring garden from the lounge window without resulting in a notable increase in overlooking and would be of a height which is not considered to significantly impact on daylight to the adjoining garden area. The provision and retention of screening can be addressed by a planning condition.

Based on the above assessment, the proposal can be supported under both the adopted and draft PAAN 2s. The proposed design can be considered acceptable for a self-build plot and respects the setting and character of the area. The proposal meets the quality of being 'Distinctive' in Policy 14 and Policy 1 of both LDPs.

In considering impacts on neighbouring amenity in terms of daylight and overshadowing, the objections received over impacts on neighbouring properties are noted. The effects on daylight to neighbouring windows has been assessed against the BRE publication "Site layout planning for daylight and sunlight: a guide to good practice", measuring the existing and proposed vertical sky component (VSC). The VSC has been measured against the nearest windows to the development, which are the front window at 110 Finlaystone Road, which faces towards the development at approximately 17.6m to the north and the rear ground floor window at 100 Finlaystone Road, which faces towards the west side elevation at approximately 18.5m to the west. If the VSC is greater than 27% then enough skylight will reach the windows of the existing

building. If the VSC, with the new development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice a reduction in the amount of daylight. With the site currently being cleared, the window at 110 Finlaystone Road has an existing VSC of 40% (no impediment to daylight) and the windows at 100 Finlaystone Road, have an existing VSC of 37.5% VSC for the northern window and 38% VSC for the southern window. With the proposal in place, the VSC for the window at 110 Finlaystone Road will be 39% VSC and for the ground floor windows at 100 Finlaystone Road will be 34.5% VSC for the northern window and 35.5% VSC for the southern window. All of these are above the 27% VSC recommended. It stands that the proposal will not result in an unacceptable loss of light to any rooms in neighbouring houses.



View facing west across the application site taken from near the south-east boundary.

In considering impacts on the loss of direct sunlight to neighbouring gardens, the proposal has been assessed against the publication "Site Layout Planning for daylight and sunlight: A guide to good practice", measuring the sun path over each month of the year for the adjoining rear gardens at 98 and 100 Finlaystone Road to the west of the site. The guidance recommends that the centre of the garden should receive at least two hours of sunlight during March. For the rear garden at 100 Finlaystone Road, the sun path indicator identified that the proposal will have no impact on direct sunlight for 5 months of the year. On the 7 months where there is any impact the building will obscure sunlight prior to 07:00 in March and September, prior to 07:30 in April and August and prior to 08:00 between May and July. After 08:00 the house will not obstruct direct sunlight. The impacts on 98 Finlaystone Road will be even less noticeable, with the house having no impact on direct sunlight for 9 months of the year, with the only obstruction occurring prior to 06:00 between May and July. During March the gardens will receive at least four and six hours of sunlight respectively before 12:00, exceeding the two hours required. It stands that the proposal does not result in unacceptable levels of overshadowing to neighbouring garden areas.

### Drainage and Contamination

In considering the impacts of the proposal on drainage and surface water run-off, Policy 9 of the adopted LDP and Policy 10 of the proposed LDP give consideration to drainage, stating that new development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Urban Drainage System (SUDS) unless the proposal is for a single dwelling or the discharge is directly to coastal waters. As the proposal is for a single dwellinghouse, the provision of SUDS is not required under these Policies. Issues in relation to flood risk and drainage were assessed at the application stage

for the original application in respect of the provision of the access road and infrastructure for each plot. The applicant is required to make the appropriate connections which will be addressed under a building warrant submission. Nevertheless, conditions can be added in respect of the finalised drainage details and surface water. Compliance with these requirements ensures that the proposal does not result in an increased risk of flooding to neighbouring properties or the road network. The provision of appropriate drainage and surface water management allows this aspect of the development to accord with the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs through avoiding conflict with adjacent uses in terms of flooding.

It should be noted that connection to Scottish Water's infrastructure can only be given by Scottish Water and this has to be applied for separately. Regarding the points raised in the consultation response from Scottish Water, these matters are to be resolved between the applicant and Scottish Water under other legislation. Advisory notes on these matters can be added as part of the granting of any planning permission. It stands that the proposal accords with Policy 9 of the adopted LDP and Policy 10 of the proposed LDP.

In considering Policy 16 of the adopted LDP and Policy 17 of the proposed LDP with regard to potential contamination issues, the consultation response from the Council's Public Protection Manager advises that a discovery strategy is already in place for the site, and this contains recommendations for imported top soil. As such this matter can be addressed through an advisory note. The advice given in respect of the discovery of Japanese Knotweed or any other unrecorded contamination and consider this can be addressed by a planning condition. The proposal does not raise any concerns in terms of contamination and can be supported under Policy 16 of the adopted LDP and Policy 17 of the proposed LDP.

#### Low Carbon Infrastructure

In considering the requirements under the quality of being Sustainable in Policy 14 of NPF4, 'Resource Efficient' in Policy 1 of both LDPs and Policy 6 of both LDPs, the development needs to incorporate low and zero carbon energy-generating technology. Policy 6 of both LDPs requires all new buildings to be designed to ensure the carbon dioxide emissions reduction standard set by the Scottish Government is met through the installation and operation of low and zero carbon energy-generating technologies. In this respect the drawings submitted indicate that solar panels are to be installed on the principal elevation of the dwellinghouse. It remains to be confirmed whether these will provide sufficient levels of low and zero carbon energy-generating technology to meet the requirements of Policy 6 of both LDPs. This matter can be addressed by a planning condition.

Criterion b) of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP require proposals to include electric vehicle charging infrastructure, having regard to the requirements in the Supplementary Guidance on Energy. The guidance note identifies that for residential houses, one trickle charging point should be provided per dwelling. This matter can be addressed by a planning condition to ensure the provision of electric vehicle charging is provided within the site in accordance with the guidance note on Energy. Based on the above, the proposal can be considered to meet the quality of being Sustainable in Policy 14 of NPF4, 'Resource Efficient' in Policy 1 of both LDPs and complies with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP in respect of criterion b).

#### Site Accessibility

In considering the accessibility requirements in criterion a) of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP, the proposed development affords opportunities for walking and cycling in the immediate vicinity and is accessible from the wider core path network, which is located on High Street around 750m from the site. In terms of accessing local facilities and public transport, the site is located approximately 825m from The Cross, Kilmacolm Local Centre and approximately 700m to 750m from the nearest bus stops on Port Glasgow Road, which can be considered within a 20-minute walking distance from the site. The development will have similar levels of connectivity to local amenities as the existing dwellings in the area and therefore can be considered to accord with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP. The proposed can be considered to meet the qualities of being Connected in Policy 14 of NPF4 and

'Easy to Move Around' in Policy 1 of both LDPs, as well as meeting the requirements in Policy 13 of NPF4 in terms of being accessible to public transport and providing charging points for low and zero emission vehicles within the site.

In assessing the impacts on traffic and parking on the street scene the consultation response from the Head of Service – Roads and Transportation raises no objections to the proposal in terms of impacts on traffic or parking on Leperstone Avenue. In respect of the points raised, the applicant has submitted updated drawings in respect of parking space sizes, gradients, surfacing materials and visibility splays which are acceptable to the Head of Service – Roads and Transportation. The provision of the parking spaces within the site can be addressed by a planning condition. The requirement for other roads consents can be addressed by an advisory note should planning permission be granted. It stands that the proposal can be implemented without negatively impacting on the transport network, in accordance with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. The proposal can be considered to minimise the impact of traffic and parking on the street scene, meeting the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs.

### Consultation Responses

In considering matters raised by consultees not yet addressed, the conditions requested in the consultation response from the Public Protection Manager regarding waste storage, external lighting and sound insulation are matters more appropriate as advisory notes.

### Representations

With regard to the grounds of objection that have not already been considered in the assessment above, the following comments are made. Impacts of development on neighbouring property values is not a material planning consideration and can have no bearing on the outcome of this application. Matters relating to smoke nuisance can be controlled through legislation under the remit of the Public Protection Manager and in this regard no concerns over the siting of the flue have been raised. The proposal therefore is not considered to raise any concerns over conflict with adjacent uses in terms of odours.

### Conclusion

The proposed house on this site would contribute to the housing land supply and would accord with national policies for delivering housing.

The site is identified in both LDPs as being within a residential area within the Kilmacolm settlement boundary. The site is within walking distance of the town centre and public transport which would contribute to the sustainability of the development and would be appropriate for adhering to the 20-minute neighbourhood principle in NPF4, Policy 15.

The provision dwellinghouse is not considered to result in overdevelopment of the site and can be considered to have acceptable regard to the character, appearance and amenity of the area, in accordance with Policy 20 of the proposed LDP. The proposal can be implemented without creating conflict with neighbouring uses, in accordance with the quality of being 'Safe and Pleasant', is compatible with the surrounding residential area and can be integrated into the surrounding community, meeting the quality of being 'Welcoming' in Policy 1 of both LDPs. As the proposal meets all relevant qualities of successful places, it stands to accord with Policy 14 of NPF4 and Policy 1 of both LDPs.

Overall, the proposed design is of a density similar to the adjacent residential dwellings and the proposal is considered to be sustainable development.

In conclusion, the proposal accords with Policies 1, 2, 9, 13, 14, 15 and 16 of NPF4, Policies 1, 6, 9, 10, 11 and 16 of the adopted LDP and Policies 1, 6, 10, 11, 12, 18 and 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material

considerations indicate otherwise. The proposal is in accordance with the relevant Plan Policies and there are no material considerations that outweigh the policies and guidance.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. For the avoidance of doubt, all facing materials to be used in the construction of the dwellinghouse shall accord with the terms of Design Statement V7 of planning permission 14/0409/IC. Samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use. The approval materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. For the avoidance of doubt, all hard and soft landscaping within the site boundary shall accord with the terms of Design Statement V7 of planning permission 14/0409/IC. Samples of all materials shall be submitted to and approved in writing by the Planning Authority prior to their use. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
4. The dwellinghouse hereby approved shall be designed to ensure that at least 25% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon energy generating technologies. Details showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the construction of the dwellinghouse.
5. The dwellinghouse hereby approved shall be designed to include at least one trickle charging point made accessible for the charging of electric vehicles. Details of the charging point shall be submitted to and approved in writing by the Planning Authority prior to the formation of the driveway and the charging point shall be installed prior to the first occupation of the dwellinghouse.
6. The dwellinghouse hereby approved shall not be occupied until the approved driveway shown on drawing number 191\_IC101\_SP02, Rev. B has been fully constructed within the site.
7. For the avoidance of doubt, the driveway shall have a gradient of 10% or less and shall be fully paved. A sample of the paving stones which are to be used for surfacing the driveway shall be submitted to and approved in writing by the Planning Authority prior to the formation of the driveway.
8. Prior to the commencement of development, updated drainage details in respect of the finalised design shall be submitted to and approved in writing by the Planning Authority. The approved drainage measures shall be fully implemented on site prior to the occupation of the dwellinghouse.
9. For the avoidance of doubt, all surface water flows are to be contained and managed within the site and any run-off from the site shall be limited to not exceed greenfield run-off rates.
10. Full details of the boundary fence design shall be submitted to and approved in writing prior to being installed on site. The approved boundary fencing shall be erected on site to the heights specified in drawing number 191\_IC101\_SP02, Rev. B prior to the occupation of the dwellinghouse. The approved fencing shall be retained at all times thereafter, unless otherwise agreed in writing by the Planning Authority.

11. For the avoidance of doubt, opaque glazing shall be fitted to the ground floor shower room window, the first floor ensuite windows and the second-floor walk-in wardrobe window as shown on drawing number 191\_IC101\_PP05, Rev. A prior to the occupation of the dwellinghouse. Development shall not commence until details of the opaque glazing have been submitted to an approved in writing by the Planning Authority. These windows shall be retained with opaque glazing at all times thereafter, unless otherwise agreed in writing by the Planning Authority.
12. 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.
13. For the avoidance of doubt, all imported topsoil shall meet the British Standard BS3882:2015 Specification for Topsoil. Verification of the quality of topsoil shall be submitted to and approved in writing by the Planning Authority prior to being imported on site.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure the dwellinghouse reflects the character of the surrounding area in the interests of visual amenity.
3. To ensure continuity of development in the interests of visual amenity.
4. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
5. To ensure adequate provision is made to encourage the use of electric vehicles.
6. To ensure suitable parking provision for the new development in the interests of road safety.
7. In the interests of road safety and to ensure a suitable finish is provided which ensures continuity of development in the interests of visual amenity.
8. To ensure that suitable drainage is provided for the safe removal of surface and waste water from the site.
9. To ensure the development does not increase the risk of flooding to adjoining sites.
10. In the interests of privacy and to prevent overlooking of neighbouring properties.
11. In the interests of privacy and to prevent overlooking of neighbouring properties.
12. To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.
13. To ensure that no contaminated materials are imported to the site.

Stuart W Jamieson  
Director  
Environment & Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.

Report To: The Planning Board

Date: 5 June 2024

Report By: Director, Environment and Regeneration

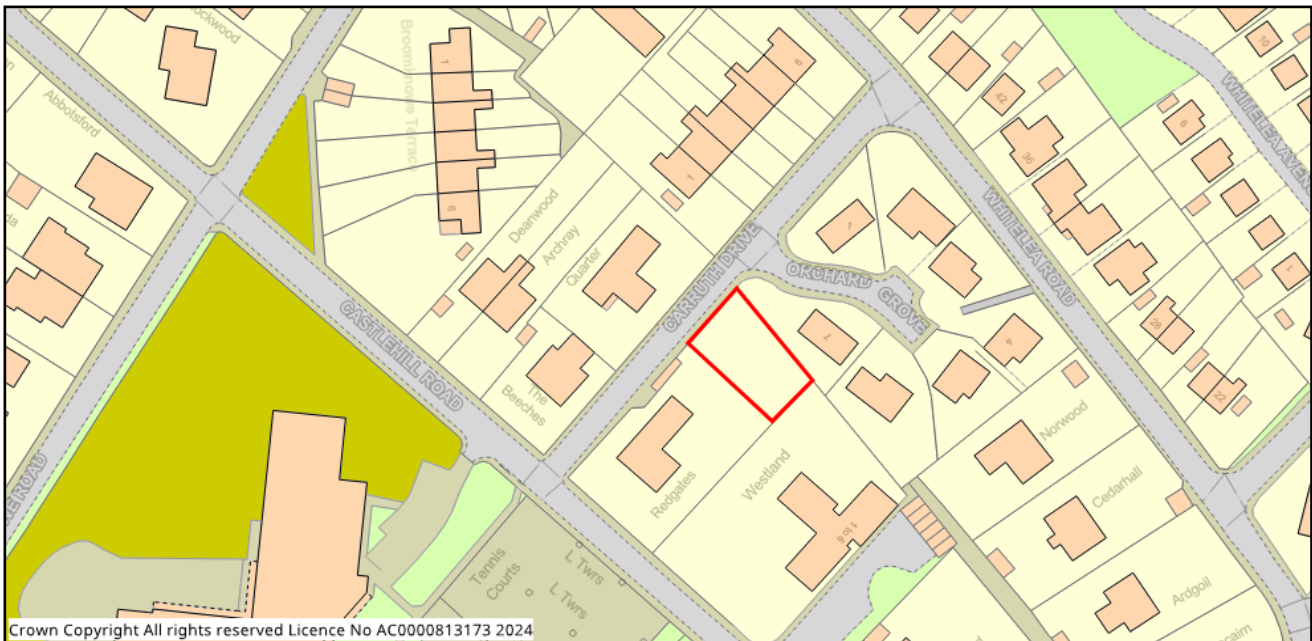
Report No: 24/0022/IC

Local Development Application

Contact Officer: Maria Porch

Contact No: 01475 712416

Subject: Sub-division of rear garden and erection of detached dwellinghouse at Redgates, Castlehill Road, Kilmacolm



### SUMMARY

- The proposal complies with National Planning Framework 4, the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan.
- There have been 6 representations objecting to the proposals. The objections to the proposal can be summarised as: overdevelopment; being out of character with surrounds; lack of supporting imagery; overlooking potential; tree removal; and road safety.
- Consultation responses present no impediment to the development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.



Drawings may be viewed at:

[24/0022/IC | Sub-division of rear garden and erection of detached dwellinghouse | Redgates Castlehill Road Kilmacolm PA13 4EL \(inverclyde.gov.uk\)](#)

## **SITE DESCRIPTION**

The application site is part of the rear garden of the detached house known as Redgates that is located at the junction of Castlehill Road and Carruth Drive. There are a variety of house types/designs in the surrounding area.

The application site is part of the lawn at the rear of the property and this part of the lawn generally slopes down towards the boundary wall with 7 Orchard Grove as well as towards Carruth Drive. There are three broadleaf trees in the application site including a tall mature tree at the corner of the site closest to Orchard Grove.

There is a stone wall along the side and rear boundaries of the property. The wall along Carruth Drive varies in height between approximately 1.8m and 2.4m. There is a metal ornamental gate at the side of the house onto Carruth Drive adjacent to an outbuilding that has a monopitch roof.

Towards the corner of the site adjacent to Orchard Grove there is a break in the stone wall where there is a timber fence. This was previously the access to a garage that was at the end of the garden. The access is also evident on available on-line street view images from 2009 to 2011.

## **PREVIOUS PLANNING APPLICATION**

Planning Permission in Principle 22/0221/IC was granted subject to conditions on 2nd December 2022 to sub-divide the rear garden and for the erection of a detached dwellinghouse at this site.

## **PROPOSAL**

It should be noted that the current application is for Full Planning Permission rather than for the Approval of Matters Specified in Conditions following the granting of Planning Permission in Principle.

Planning permission is sought for the erection of a detached house at the rear of the garden adjacent to the boundary with 7 Orchard Grove. The identified application site is 492 square metres in area. Access to the proposed house is to be taken from Carruth Drive with a new vehicular access being formed in the stone wall. The submitted drawings indicate that along the frontage of the site there is to be a reformed low stone wall with stone piers and a gate. Stone from the existing wall is indicated as being recycled to construct the new wall.

The plans submitted propose a house of two and a half storeys in height, including accommodation within the roof space comprising a bedroom/cinema room, a landing, a bathroom and storage space. The house is indicated to be 9.791m in length by 12.6m in width and positioned back from the inner side of the boundary wall along Carruth Drive by 8.28m. There is to be two storey projection extending out from the front of the house by 1.46m which incorporates the front door into the house at ground floor level. There is to be a patio area at the rear of the house. The house is also indicated as being 2.08m at its closest point to the boundary wall with 7 Orchard Grove, 9m from the side boundary wall with the property known as Westland and 2m from a proposed boundary fence to delineate the site from the rear garden of Redgates. The proposed fence to delineate the site from the rear garden of Redgates is indicated at being 2m high.

A recessed balcony is also proposed at the rear elevation at first floor level, identified as being off Bedroom 4, which would extend to approximately 1.8m in length at a width of 4.3m. There is to be a glass balustrade on the rear elevation. At the side of the recessed balcony there are to be windows which are to have opaque glass.

Finishing materials are to be primarily smooth render with anthracite zinc panelling detailing and buff split face stone on the base course, around cills and on the chimney. The roof would be finished in concrete roof tiles and windows, fascias and rainwater goods in black coloured uPVC. On the front projection, materials would include feature glazing in aluminium framed black anthracite with walls finished in anthracite zinc. Solar panels are proposed on the rear roof slope below six rooflights.

The submitted plans indicate that all of the trees on site are to be removed although the applicant has suggested that the mature tree at the corner of the site closest to Orchard Grove could remain with a degree of pruning. The submitted proposed site plan also indicates screen planting along the frontage of the site behind the new wall/fence.

Parking is indicated on the proposed site plan as being at the front of the proposed house to be finished in permeable porous paving, with an electric vehicle charging station indicated at the side of the house adjacent to the new boundary with Redgates.

## **DEVELOPMENT PLAN POLICIES**

### **National Planning Framework 4**

The material considerations in the assessment of this application are: National Planning Framework 4 (NPF4); the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the adopted and draft Planning Application Advice Notes (PAAN) 2 and 3 on "Single Plot Residential Development" and "Private and Public Open Space Provision in New Residential Development" respectively; the visual impact; the impact on residential amenity; and the consultation responses.

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

#### **Policy 1 Tackling the climate and nature crisis**

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 13**

- 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.

#### **Policy 14**

- 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.

#### **Policy 15**

Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

#### **Policy 16**

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported.

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
  - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
  - the proposal is consistent with policy on rural homes; or
  - the proposal is for smaller scale opportunities within an existing settlement boundary.

## **Adopted 2019 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 3 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

### **Policy 6 - Low and Zero Carbon Generating Technology**

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic environment

\*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

### **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 10 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **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 16 – Contaminated Land**

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

**Planning Application Advice Note (PAAN) 2** on "Single Plot Residential Development"; **Planning Application Advice Note (PAAN) 3** on "Private and Public Open Space Provision in New Residential Development"; and **Planning Application Advice Note (PAAN) 5** on "Outdoor Seating Areas" apply.

### **Proposed 2021 Inverclyde 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 3 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 6 - Low and Zero Carbon Generating Technology**

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and

operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic or natural environment.

\*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

### **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:

- 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, which identifies who will be responsible for maintenance and how this will be funded in the long term.

### **Policy 11 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

### **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 17 – Brownfield Development**

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

### **Policy 18 - Land for Housing**

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

### **Policy 20 - Residential Areas**

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

**Draft Planning Application Advice Note (PAAN) 2** on "Single Plot Residential Development"; **Draft Planning Application Advice Note (PAAN) 3** on "Private and Public Open Space Provision in New Residential Development"; and **Draft Planning Application Advice Note (PAAN) 5** on "Outdoor Seating Areas" apply.

### **CONSULTATIONS**

**Public Protection Manager** – advises of no comments in relation to Food and Health or Air Quality. Recommends conditions relating to contamination that becomes evident during site works; external lighting; and sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations.

**Scottish Water** - No objection to this planning application, however the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Scottish Water has carried out a Capacity review and can confirm the following that there is currently sufficient capacity in the Greenock Water Treatment Works to service the development.

This proposed development will be serviced by Erskine Waste Water Treatment Works. Scottish Water is unable to confirm capacity currently so to allow full appraisal of the proposals it is suggested that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

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

- Parking should be provided in accordance with the National Guidelines.
- The minimum dimensions of the driveway should be 3m wide by 6.0m long per parking space.
- The driveway should be fully paved and the gradient should not exceed 10%.
- The driveway should be no closer than 10.0m from the adjacent junction.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.4m x 20.0m x 1.05m. This shall be agreed with Roads Service.
- A Section 56 Agreement is required for the footway crossover to the driveway.
- All surface water run-off is to be contained within the site and be limited to that of greenfield run-off.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.

### **PUBLICITY**

The nature of the proposal did not require advertisement.

### **SITE NOTICES**

The nature of the proposal did not require a site notice.



## **PUBLIC PARTICIPATION**

The application was subject to neighbour notification and six representations objecting to the application have been received. The grounds of objection can be summarised as follows:

- There is a significant difference between the original and current plans in terms of boundaries and footprint.
- Concerned at the massing of the development, creating overcrowding and the porch area is significantly out of character with the street's properties.
- Would be useful to include with the photographs an indication of what the proposed house would look like in the environment using 3D CAD models superimposed onto the photographs as the road is sloped.
- Neighbouring property would be significantly impacted in terms of light and being overlooked from the front elevation.
- The existing tree appears to be being removed from the plot which would impact on bats and biodiversity. Is the tree not covered by a Tree Preservation Order.
- The proposed dwelling would cause light pollution to adjacent properties.
- Previous plans showed a bungalow development for the site.
- The road is hazardous.

The Kilmacolm Civic Trust objects to the application as the current proposal would see a 50% increase in the scale of the dwelling originally approved, creating a dominating effect and overlooking. The development would require the removal of a mature tree and parking is insufficient for the scale of development.

## **ASSESSMENT**

The material considerations in the assessment of this application are: National Planning Framework 4 (NPF4); the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the adopted and draft Planning Application Advice Notes (PAAN) 2, 3 and 5 on "Single Plot Residential Development", "Private and Public Open Space Provision in New Residential Development" and "Outdoor Seating Areas" respectively; the visual impact; the impact on residential amenity; the consultation responses; and the previous planning permission.

### Location of Development and Policy Context

The site is garden space in the existing urban area and therefore is a sustainable location that is considered to be consistent with the terms of Policies 1, 2, 9, 13 and 15 of NPF4. The Spatial Development Strategy of both the adopted and proposed Local Development Plans directs residential development to existing built-up areas in the first instance. In this regard the site is located within the existing settlement boundary of Kilmacolm as identified under Policy 20 of the proposed Local Development Plan. As such this site is considered to be in a sustainable location and therefore the proposal accords in general terms with the Spatial Development Strategy. Policy 20 of the proposed Local Development Plan requires development within residential areas to be assessed with regard to impact on the amenity, character and appearance of the area. The surrounding area is residential in character in which there are a variety of house types and styles. The proposal is not considered to be out of this general context although the position and potential design of the house will be considered in greater detail below against other relevant development plan policies and guidance. Policy 18 of the proposed Local Development Plan supports new housing development on sites identified in Schedule 3 and on other appropriate sites within residential areas. The site however is not identified in Schedule 3. Notwithstanding the site is within the existing urban area and in proximity to the centre of Kilmacolm. The proposal is therefore considered to result in local living to accord with the terms of Policy 16 of NPF4.

Policy 14 of NPF4 and Policy 1 of both the adopted and proposed Local Development Plans refer to qualities relating to successful places. The qualities of being Pleasant, Distinctive and Sustainable

under Policy 14 of NPF4 are relevant. In addition, Policy 1 of both the adopted and proposed Local Development Plans require all development to have regard to the six qualities of successful places. The relevant factors in this instance are being “Distinctive” in reflecting local architecture and urban form and through contributing positively to historic building and places (expanded to “respect landscape setting and character, and urban form” and “reflect local vernacular/architecture and materials” in the proposed Local Development Plan); “Easy to Move Around” by being well connected, with good path links to the wider path network, public transport nodes and neighbouring developments; “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by flooding, invasion of privacy or overshadowing as well as minimising parking in the street scene; and “Welcoming” by integrating new development into existing communities.



View from Carruth Drive to the site with 'Redgates' in the background

The built form in the vicinity of the application site comprises a variety of house designs with their front elevations at different distances set back from the roads that they front onto. The private garden spaces and separation distances between houses also differ significantly. The proposed house is to be located on a downward gradient as the site slopes northerly along Carruth Drive. Whilst elevated from 7 Orchard Grove, the house would be set below the ridge line of Redgates and it is not considered that this would create a dominating effect. On the approaches to the site the existing houses assist in screening the proposed house to reduce its overall visual impact. Although there may be a contrast in appearance between the proposed house and the existing houses the proposal would not be significantly out of character with the area in general design terms. The proposal would in general terms be considered to reflect the urban form and accord with the quality of being “Distinctive”, meeting the requirements of Policy 1 of both the adopted and proposed Local Development Plans.

## Design and Layout

The principle of a dwellinghouse on this site has been established under Planning Permission in Principle 22/0221/IC and this planning permission is a material consideration in determining the current application. The details of the dwellinghouse and its position in the site would however be applied for in any subsequent application(s) for the Approval of Matters Specified in Conditions. Condition 8 v) of Planning Permission in Principle 22/0221/IC required the details of the dwellinghouse to be applied for to be no more than two storeys high. The current application is for a two and a half storey dwellinghouse although it generally appears as a two storey house when viewed from the front and is in a similar position within the site as indicated in 22/0221/IC.

In assessing the design, both PAAN 3s consider the proposal as a small-scale single plot infill development and advises that small-scale infill developments should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. In all instances the minimum window to window distances should be achieved.

Both the adopted and draft PAAN2 and PAAN3 advise on plot sizes for residential development and on private garden ground respectively. Both of these PAANs refer to the plot and garden sizes reflecting those in the locality as well as according with established density and pattern of development. The distance to garden boundaries should also reflect the immediate locality, together with the established street front building line. Height, roof design, use of materials and colours should reflect the immediate locality.

With regard to the plot size, it is appropriate to consider this in the context of the adjacent plots. There are a variety of plot sizes in the surrounding area and the proposed plot would not be out of context with this general character. The proposed site is indicated as being 492 square metres and is comparable in size to some plots in Orchard Grove and the property known as The Beeches. Even when including the indicated proposed driveway/parking spaces the proposal does not represent overdevelopment of the site and it is considered there will be a sufficient amount of ground associated with the proposed house. It is also considered that the remaining rear garden area of Redgates, identified as being 488 square metres, is reasonably large and therefore sufficient in size.

Full details of the materials to be used on the exterior of the house can be addressed by a planning condition should permission be granted.

PAAN2 indicates that ground level window positions should comply with the window intervisibility guidance. The windows on the side elevation of the proposed house face towards a proposed boundary fence and it is further proposed to install obscure glazed windows on this elevation to prevent overlooking. The specification of this glazing can be addressed by a planning condition should permission be granted. It would further be prudent to impose a condition on any consent given, restricting the formation of any further openings on the side elevations of the proposed dwelling at upper floor levels, should consent be issued. Given the position of the proposed house relative to the immediate neighbouring houses it is not considered there will be excessive shadows cast or for this to occur for prolonged periods that would result in an adverse loss of light to neighbouring properties. These aspects of the proposal are considered to accord with the quality of being "Safe and Pleasant" under Policy 1 of both the adopted and proposed Local Development Plans.

With regard to the proposed recessed balcony which is to be located on the rear elevation of the building, this would not be readily visible from general public view and would be a secondary feature relative to the house in both scale and position. Taking into account its position and scale, it is considered that the proposal does not impact on the urban form of the area. In considering the impacts of the proposal on the character and appearance of the building and on neighbouring amenity under Policy 20 of the proposed LDP, the impacts primarily relate to the appearance of the construction, possible activity and noise, and any implications for privacy. In considering these, the guidance given in both PAAN 5s on "Outdoor Seating Areas" is applicable to the assessment.

Firstly, in considering the appearance, both PAAN 5s state that the design and position shall be appropriate to the architectural design of the house. The recessed balcony is to be positioned on rear elevation of the house and as such it is considered that it will have an acceptable impact on the overall design of the building. Recessed The proposal can be considered to reflect local architecture, materials and urban form and respects landscape setting and character, meeting the quality of being 'Distinctive' in Policy 1 of both LDPs and Policy 16 of NPF4.

In considering possible activity and noise, both PAAN 5s state that balconies should be restricted in size to allow for limited seating and the enjoyment of wider views. Covering an area of approximately 7.74 square metres, the recessed balcony is considered to be limited in size and not of a scale which would afford the opportunity of undertaking a wide range of activities over extensive periods throughout the day and evening. It therefore complies with both PAAN 5s in this regard.

With regard to implications on privacy, both PAAN 5s require screening to be provided where positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area. Screening may not be required in cases where there is no increase in the intervisibility between and the overlooking of neighbours. Given where the recessed balcony it located it is not consider4d that additional screening is required. However the inclusion of the windows at the side requires the indicated opaque glass to be installed to avoid overlooking into the rear garden area of Redgates. This can be addressed by a planning condition.

#### Low Carbon Infrastructure

Policy 6 of both the adopted and proposed Local Development Plans seeks to ensure that all new buildings are energy efficient and that at least 15% and 20% respectively of the carbon dioxide emissions standard (rising to at least 20% by the end of 2022 and 25% by the end of 2025 respectively) reduction set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. If planning permission is granted the requirement for low and zero carbon generating technologies can be addressed by a planning condition with the details submitted for further approval. The provision of electric vehicle charging facilities, which would be one trickle charging point in this instance, can also be addressed by a planning condition in order to comply with the terms of Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan.

#### Drainage

Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan require that where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system or where such a connection is not feasible, a temporary wastewater drainage system can be supported if, i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contribution, and ii) the design of, and maintenance arrangements for the temporary system meets the requirements of SEPA, Scottish Water and Inverclyde Council as appropriate. The specified details of the proposed drainage have been agreed with the Head of Service - Roads and Transportation and therefore the proposal complies with Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan.

#### Site Accessibility

In considering the accessibility requirements in criterion a) of Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan, the principle of a dwellinghouse at this location has been established in Planning Permission in Principle 22/0221/IC. The proposed dwellinghouse will have similar levels of connectivity to local amenities as the existing dwellinghouses in the area and therefore can be considered to accord with Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan. The proposed can be considered to meet the qualities of being Connected in Policy 14 of NPF4 and 'Easy to Move Around' in Policy 1 of both LDPs, as well as meeting the requirements in Policy 13 of NPF4.

Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan relate to managing the impact of development on the roads network and in particular for the development to comply with the Council's parking standards. The Head of Service – Roads and Transportation has not raised any objections to the proposal in terms of traffic generation or its impact on the roads network. The Head of Service – Roads and Transportation has advised that the requisite amount of off-street parking is provided in the proposed driveway. The other advice from the Head of Service – Roads and Transportation regarding sightlines, dimensions and gradient of the driveway as well as the surfacing material of the driveway can be addressed by planning conditions if the application is approved. The proposal in terms of managing its impact on the roads network is considered to accord with Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan as well as minimising parking in the street scene to accord with the quality of being "Safe and Pleasant" under Policy 1 of both the adopted and proposed Local Development Plans. The applicant will have to comply separately with any requirements of Scottish Water to connect to their infrastructure. The requirement for a Section 56 Agreement for any new footway crossover is a matter to be addressed via separate legislation.

### Representations

With regard to the objections that have been received and not already considered above, the following comments are made. The comments made regarding differences in the submitted drawings to the previous application relate to two separate planning applications which have each to be considered in their own merits. It is not a requirement for the applicant to provide 3D images in order to give consideration to a planning application. The trees within the application site boundary are not covered by a Tree Preservation Order and are therefore not protected. Any potential impact on protected species is regulated by separate legislation. In consultation with Public Protection, no comments have been made with regard to light pollution impact from the proposed house.

### Conclusion

The proposed house would contribute to the housing land supply and would accord with national policies for delivering housing.

The site is identified in both Local Development Plans as being within a residential area within the Kilmacolm settlement boundary. The site is within walking distance of the town centre and public transport which would contribute to the sustainability of the development and would be appropriate for adhering to the 20-minute neighbourhood principle in Policy 15 of NPF4.

The dwellinghouse is not considered to result in overdevelopment of the site and can be considered to have acceptable regard to the character, appearance and amenity of the area, in accordance with Policy 20 of the proposed Local Development Plan. The proposal can be implemented without creating conflict with neighbouring uses, in accordance with the quality of being 'Safe and Pleasant', is compatible with the surrounding residential area and can be integrated into the surrounding community, meeting the quality of being 'Welcoming' in Policy 1 of both Local Development Plans. As the proposal meets all relevant qualities of successful places, it stands to accord with Policy 14 of NPF4 and Policy 1 of both Local Development Plans.

In conclusion, the proposal accords with Policies 1, 2, 9, 13, 14, 15 and 16 of NPF4, Policies 1, 6, 9, 10, 11 and 16 of the adopted Local Development Plan and Policies 1, 6, 10, 11, 12, 18 and 20 of the proposed Local Development Plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is in accordance with the relevant Plan Policies and there are no material considerations that outweigh the policies and guidance.

## RECOMMENDATION

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. Prior to the commencement of any construction works on site, the applicant/developer shall submit for the written approval of the Planning Authority, full details of all facing materials to be used on the proposed dwelling, retaining walls and hard surfacing within the site. Only the approved materials shall be used thereafter unless a variation is approved in writing by the Planning Authority.
3. Development shall not commence until details and location of all walls and fences to be erected on the site have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
4. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels 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.
5. Prior to the commencement of any development works on site, the applicant/developer shall provide for the written approval of the Planning Authority, the full specification of all opaque glazing to be installed at first floor level on the side elevations as indicated on drawing AL(0)51 Rev C. Thereafter and for the lifetime of the development, the opaque glazing to the finally approved specification shall be installed and retained in position.
6. For the avoidance of doubt no further windows shall be installed on the side elevations above ground floor level, other than those shown on drawing AL(0)51 Rev C, without planning permission being granted.
7. Prior to the commencement of development, confirmation of connection to Scottish Water's Network shall be submitted to and approved in writing by the Planning Authority.
8. For the avoidance of doubt the dwellinghouse shall be designed to ensure that at least 25% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies, details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any construction works on site. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the occupation of the dwellinghouse.
9. For the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the approved details shall be implemented on site in their approved form before the first occupation of the dwellinghouse.
10. In the event of any suspected contamination being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority. Thereafter, site works may not recommence until a Remediation Scheme has been submitted to and approved by the Planning Authority.
11. Development shall not commence until full details of all soft landscaping within the application site has been submitted to and approved in writing by the Planning Authority. Any planting that is damaged, removed, becomes diseased or dies within 5 years of planting shall be replaced within the following planting season with others of a similar size and species.

12. Any vegetation/tree removal and tree pruning to be carried out in association with the construction of the dwellinghouse hereby approved shall take place outwith the bird breeding season (March to August inclusive).

13. Prior to occupation of the dwellinghouse hereby approved, the applicant/developer shall provide a visibility splay of 2.4m x 20.0m x 1.05m at the vehicular access into the site. Thereafter the visibility splay shall be retained for the lifetime of the development.

14. For the avoidance of doubt, the driveway shall be fully paved and the gradient shall not exceed 10%.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. In the interests of visual amenity.
3. To ensure the development is acceptable in appearance.
4. To ensure that the levels are acceptable at this location.
5. In the interests of the privacy.
6. In the interests of the privacy.
7. To ensure Scottish Water's acceptance of the drainage regime for the application site and in the interests of the provision of a satisfactory drainage regime.
8. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
9. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
10. To ensure that all contamination issues are recorded and dealt with appropriately.
11. To ensure the provision and retention of an appropriate landscaping scheme.
12. In the interests of wildlife protection.
13. In the interests of pedestrian and traffic safety.
14. In the interests of road safety.

Stuart Jamieson  
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Maria Porch on 01475 712416.

**Report To: The Planning Board**

**Date: 5 June 2024**

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

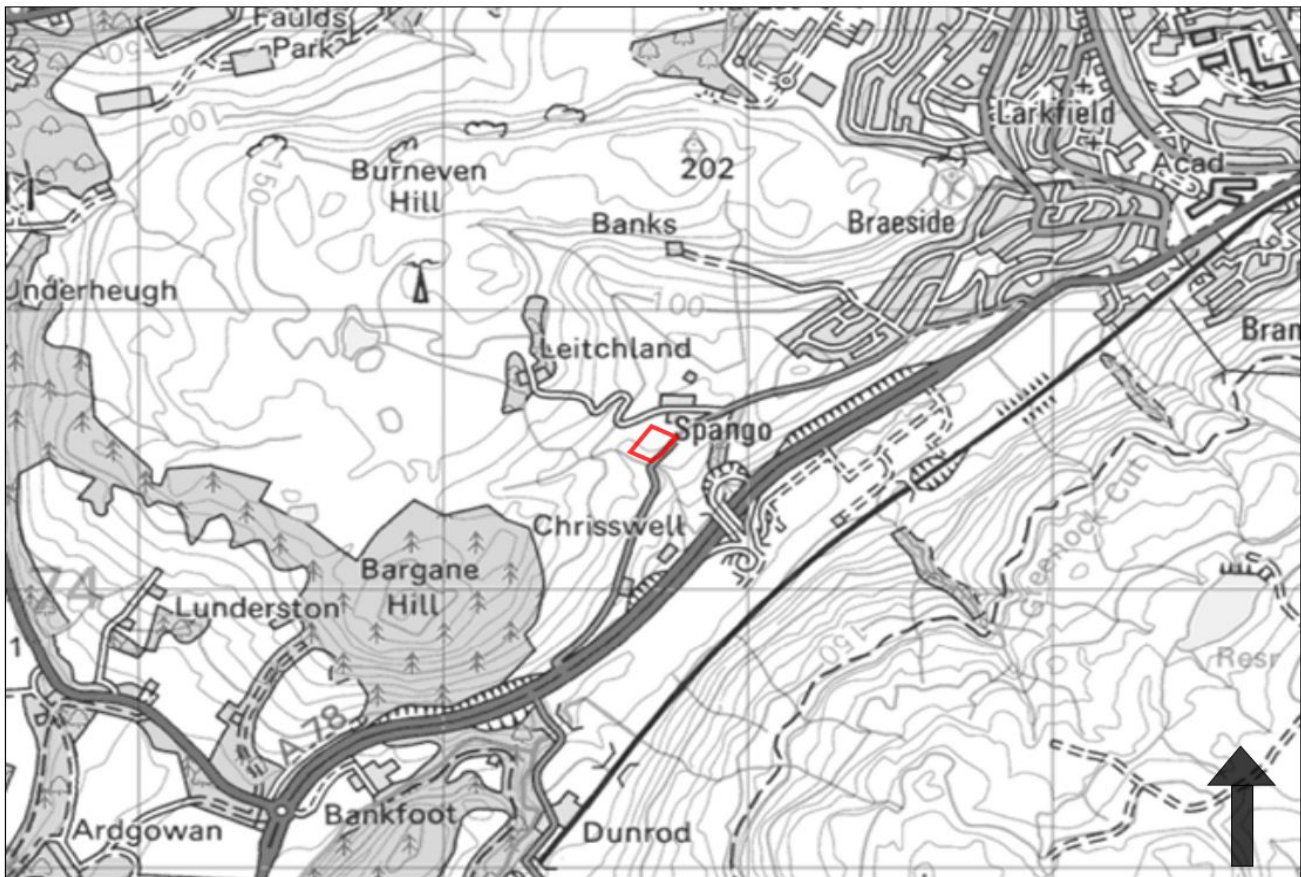
**Report No: 23/0205/IC**

**Major Application Development**

**Contact Officer: Colin Lamond**

**Contact No: 01475 712422**

**Subject: Multiple containerised battery storage units with associated infrastructure, access, control building, switch room, inverter containers, lighting and associated works at Flatterton Farm, Flatterton Road, Greenock**



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**SUMMARY**

- The proposal complies with National Planning Framework 4, the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan.



- There have been 8 representations with 6 objecting and 2 in support. The objections to the proposal can be summarised as: traffic; noise; light and safety concerns; loss of natural spaces or habitat; location; pollution concerns; and impacts on the water environment. The support is generally on the basis of the positive contribution to combating climate change.
- Consultation responses present no impediment to the development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=S0JZJIMIC000>

## **SITE DESCRIPTION**

The application site is part of an agricultural field adjacent to Flatterton Farm situated to the south-west to the junction of Flatterton Road and a private access serving Flatterton Farm and Leitchland Farm. The site is approximately 1km south-west of Greenock with the closest residential area being Braeside and the site is approximately 350m north of the A78 trunk road.

The site is uneven with significant variations in levels throughout. A watercourse is located to the south-west periphery of the site within the Howford Glen. There is a pronounced east to west slope within the field. The site area is 0.98Ha and located at between 85m to 93m Above Ordnance Datum. Flatterton Road is generally narrow with few identifiable passing places. Flatterton Road is also a Core Path (18A - Ravenscraig to Howford Glen).

## **BACKGROUND**

The applicant was required to submit a Proposal of Application Notice (POAN) at least 12 weeks prior to the submission of a planning application. The proposal of application notice dated 29 March 2023 (ref: 23/0001/PREAPP) was accepted by the Planning Authority as satisfactory on 30 March 2023. The full planning application was received on 6 September 2023 (within the dates specified under Section 35B(3) of the Town and Country Planning (Scotland) Act 1997 (as amended)). Two in-person community consultation events at local venues were undertaken on 5 and 23 May 2023 respectively. A further online event was undertaken on 17 May 2023. The events were publicised in local press 7 days in advance (in accordance with the requirements under the act). In summary, the Planning Authority is satisfied that the terms of the act, in respect of community pre application consultation, have been met.

## **PROPOSAL**

The proposed development is a battery energy storage system (BESS). The development will provide grid stabilisation and battery energy storage. The development consists of a battery energy storage system which the applicant has advised will have a maximum generating capacity of 49.9MW. 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 site will contain 13 battery units. Each battery unit will be contained within shipping style containers with doors on the two side elevations. Each container measures 12.2m long, 2.4m wide and 2.9m high, with ventilation, cooling units and air conditioning units. The setting out of the battery containers will be in two parallel rows comprising eight and five which are aligned north-east to south-west. Invertors are located between the battery storage units.

### Distribution network operator (DNO) compound

A DNO breaker and compound are located to the north of the site. DNO housing units are to be 3.55m high, 5m wide and 10.05m long. The DNO compound is 20m by 23m and contains unboxed equipment, circuit breakers, disconnectors and transformers. A 2.4m high galvanized palisade fence will be erected around the compound.

### Operator compound and switchroom

The compound will contain a transformer and disconnector and will be 19m by 20m. The main site cable terminates at this location. An area marked as a 'customer compound' is adjacent. A customer switchroom is located to the immediate north of the battery containers and is to be 12.2m long, 2.4m wide and 2.9m high.

### Drainage

An attenuation pond is proposed at the south boundary of the site. Details of site drainage/Sustainable Urban Drainage System (SUDS) have been provided. This includes an outline SUDS design drawing supported by a Drainage Impact Assessment (DIA).

### Landscaping

The applicant proposes planting to the north, east and west within the site. The submission includes a Landscape and Ecology Management Plan. The plan includes grassland and wildflower mixes, an indicative planning schedule which includes species types and sizes and a maintenance schedule.

### Access

Access to the site will be from Flatterton Road, with an internal access track running along the north of the site towards the compound areas. The track will have a width of 5m. Composition of the track will be permeable geotextile and aggregate. The applicant has provided details of a 90m x 2.4m visibility splay onto Flatterton Road, which involves the removal or realignment of 73m of hedge. A further 14m of hedge would be removed to form the bellmouth at the access.

### Security and fencing

The 2.4m high palisade fence will encircle the customer and DNO compound, in addition to providing a larger security enclosure around the site but excluding the pond, access road and planting. 4m high CCTV mounted on galvanized steel posts will be situated at two locations on the site periphery. Security lighting will be infra-red and the applicant has suggested that mobile or temporary lighting may be utilised dependent on requirements.

### Connection to Spango Valley Sub-Station

The development is approximately 1.8km from the Spango Valley Sub-Station. Connection to the substation however does not form part of this application.

### Construction compound

The northern part of the proposed site is to be the temporary construction compound.

### Indicated Construction Period

The construction period is indicated as being approximately nine months in duration. The applicant has proposed restricting construction hours and has suggested these being from 7am to 7pm Mondays to Fridays and from 8am to 4pm on Saturdays.

## Submitted Reports

The planning application has been accompanied with: a Biodiversity Management Plan (September 2023); Cultural Heritage Assessment (September 2023); Ecological Assessment (September 2023); Hydrological Flow Assessment (August 2023); Noise Impact Assessment (February 2024); Planning, Design and Access Statement (September 2023); Landscape and Ecological Management Plan (October 2023); Construction and Traffic Management Plan (October 2023); Landscape and Visual Appraisal (September 2023); Drainage Impact Assessment (January 2024).

## **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.

The development draws support from NPF4 in principle. NPF4 clearly states "As technologies continue to develop, storage and other forms of generation will grow" and also outlines general support for storage technology and capacity. The document also details that the planning system should 'provide support' for energy storage.

There are six overarching spatial principles contained within NPF4. The most pertinent to renewable energy is 'just transition'. This principle is designed to ensure that the move to net zero is fair and inclusive.

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

#### **Policy 1 Tackling the climate and nature crisis**

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

#### **Policy 2 Climate mitigation and adaptation**

- 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 long term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered

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**

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:

v. 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 8 Green Belt**

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

they are for:

- minerals operations and renewable energy developments
- 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;
- 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. Relevant policy strands to this proposal include;

- ii. enabling works, such as grid transmission and distribution infrastructure;
- iii. energy storage, such as battery storage and pumped storage hydro;

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.

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.

### **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.

### **Policy 22 Flood risk and water management**

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 and green infrastructure. All proposals should presume no surface water connection to the combined sewer;

iii. seek to minimise the area of impermeable surface.

### **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 2019 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 3 and demonstrated in a design-led approach. 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, 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 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 10 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **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 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:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) compensatory measures are provided to ensure that the overall coherence of the Natura 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 protect 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, 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. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

### 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 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 Inverclyde 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 3 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 9 - 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 risk management 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 resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

#### **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 11 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

### **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 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:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) 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:

- a) the setting of buildings and settlements within the landscape
- b) the pattern of woodlands, fields, hedgerows and trees; especially where they define/ create a positive settlement/ urban edge
- c) the character and distinct qualities of river corridors
- d) historic landscapes
- e) 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 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**

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

- That the applicant should demonstrate on site parking for minimum of 6 vehicles

- Parking bays should adhere to national parking standards (2.5m x 5.0m x 6.0 aisle spacing)
- The visibility splay should be maintained in perpetuity and the hedgerow realigned to achieve this
- Access should be 4.8m wide and should be paved for 10m and at a maximum gradient of 10%
- The DIA/FRA document was latterly independently checked to the satisfaction of Roads and Transportation
- Details of discharge control are now satisfactory
- Rates of greenfield run off do not exceed existing use run off
- Corrections have been made to the DIA errors (including the climate change factor)
- Drawings of drainage will be required pre-construction

**Scottish Environmental Protection Agency** - advises of no objection on the basis that no land raising is proposed.

**Public Protection Manager** - advises the following: the discovery of Japanese Knotweed or other contamination should be recorded and a mitigation scheme provided; all external lighting should comply with Scottish Government Guidance; Noise should be between noise rating curve 25 - 35 (night – day); and a 3m high acoustic fence should be erected on the north-east boundary.

**Transport Scotland** – do not object the proposal but have asked for consideration to be given to the requirement for temporary traffic management measures such as signage. Transport Scotland also advise that permission may require to be sought for physical works to the trunk road network. Such modifications should comply with the Design Manual for Roads and Bridges and relevant disability legislation. Should abnormal loads be considered, the proposed route would require verification. Changes to the trunk road network such as the removal of street furniture, junction widening and traffic management would require the authorisation of Transport Scotland.

**Scottish Fire and Rescue Service** – have considered the fire safety implications of the proposal and have not offered any comments.

**Archaeology Advisor** - advises that Scheduled Ancient Monuments are sufficiently distant from the site that there will be no impact on the setting of these monuments. The Flatterton Farmstead may be buried in the vicinity of the proposed site and the Flatterton Aircraft Battery is located to the north of the site. Further advises there is some potential for buried archaeological remains within the site itself and that an archeological watching brief condition be attached if approved, requiring a watching brief on all ground breaking works that involve soil disturbance.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 20th of October 2023 as there are no premises on neighbouring land.

## **SITE NOTICES**

This type of application does not require a site notice.

## **PUBLIC PARTICIPATION**

There have been 8 representations received in relation to this application, of which there are 6 objections and 2 in support.

The objections can be summarised as follows:

- The application has not been widely publicised

- Management of noise impact
- Traffic impacts and dangers from construction traffic
- Health and safety impacts
- Request to consult directly with specific areas/residents
- Lack of community benefit
- Profiteering from greenbelt land
- Effects of light pollution
- Loss of wild space
- Unproven type of development
- Loss of a walking area
- Fire danger and chemical pollution
- Loss of a natural space
- Loss of species habitat
- Impacts on the future of Inverclyde and tourism
- Should be closer to a major road
- Bacterial effects from standing water in SUDS ponds
- Pollution of ground water and private water supplies
- Potential flooding impact
- Insufficient SUDS capacity
- Intrusion on the green belt
- Impact on Flatterton to Lunderson bay right of way route
- Incompatible with landscape character and Clyde Muirshiel Park
- Surface water run off in conjunction with potential reuse of hydro scheme

The representations in support can be summarised as follows:

- A positive green energy contribution
- Contribution to local and national goals of carbon reduction
- Reduces carbon footprint
- Sustainable future for Greenock

A number of concerns were raised via the Proposal of Application Notice (POAN) public consultation events and engagement. Although these comments are not formally part of the assessment process for this planning application, the concerns raised are acknowledged. The representations received via the consultation process for this application have included a broad range of issues which are addressed in detail throughout this report.

## **ASSESSMENT**

This is a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the proposal exceeds 20MW and does not exceed 50MW.

### 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.

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. No specific quantitative analysis is provided, though negative economic impacts are not anticipated. 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.

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.

Policy 1 of the adopted and proposed LDPs require all development to have regard to the six qualities of successful places. The relevant factors in this instance are being “Resource Efficient” by using previously developed land for the effective management of renewable energy and “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to adverse amenity impacts.

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.



View across to the site from the north-east at the junction of the access to Flatterton Farm with Flatterton Road

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. The assessment also concludes that adjacent uses are not adversely impacted by the development. Amenity impacts are proportionate to the development type and scale and are not considered unacceptable. The imposition of conditions would also mitigate against any effects considered unavoidable. No aviation, defence or telecommunication issues are considered likely as a result of the development. The nature of the development is such that air quality would not be impacted. Matters related to traffic safety are discussed elsewhere within this assessment. There are no demonstrable impacts on historic or natural resources.

It is not considered that the proposed development would unacceptably impact on tourism and recreation. Although there is a degree of visual and landscape impact from the core path adjacent to the site, this does not automatically result in tourism being affected to an unacceptable level. The section of core path impacted is relatively short in length and therefore short in effect duration, and the impacts are further mitigated by proposed planting and screening. Views from the core path towards the proposed development will also be influenced by other existing elements of the built

environment. A core path is often experienced across substantial parts of whole route length. Using a core path for recreation will involve a progressive variation in the visual experience of the user. It would be expected to see landscape changes which may involve developments that could be industrial to some extent. This may include electricity infrastructure and civil infrastructure such as waste water treatment. On this basis, the core path is not considered to be unacceptably impacted by the proposed development. No tourism assets at a further distance than the core path are impacted to any notable degree due to both separation distance and the relatively modest scale of the development. The Supplementary Guidance on Energy does not offer specific guidance on development of this type. The Guidance states that renewable energy developments should be removed at the end of their operational life. This advice is primarily directed towards turbine developments but some weight could be placed on installations such as this that provide supporting infrastructure and energy capacity management.

Therefore the proposal complies in general terms with Policy 4 of both the adopted and proposed Local Development Plans.

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. The development has a specific locational need (proximity to a substation) and would therefore comply with Policy 8 of NPF4 (green belt) in respect of providing a justification for a development within the green belt. The purpose of the development is to provide supporting infrastructure for renewable development. It has been assessed that the proposal is largely compatible with the surrounding area and landscape character, minimises the visual impact and does not undermine the long term quality of the green belt. It is considered that the development is moderate in scale and is not an imposing or overbearing feature in the context of the surrounding landscape. The proposal also lacks vertical scale and is commensurate with other elements of the built and natural environment. The proposed development is therefore compliant with Policy 8 of NPF4.

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 category 5 (Improved Grassland). which is not considered to be prime agricultural land, defined by Scotland's Soils as "Land capable of producing a narrow range of crops, and with pasture that is difficult to maintain.

Renewable energy infrastructure is supported in principle by Policy 5 of NPF4, subject to the layout and design minimising the land take. The design and layout of the proposal is relatively compact, with all areas of development considered as essential to the operation, maintenance and screening of the site. It should also be noted that foundation depths are minimal and therefore soil disturbance and compaction is significantly less than would be the case with structures and buildings requiring more significant piling. The proposal is considered to meet with the terms of Policy 5.

#### Impact on the Landscape and Visual Impact

A Landscape and Visual Assessment (LVA) has been submitted with the application relating to 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 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 the following viewpoints:

- Viewpoint 1: View from junction of unclassified road and Flatterton Road

- Viewpoint 2: View from Flatterton Road close to Howford watercourse
- Viewpoint 3: View from south west at Flatterton Road/Aliemill Road
- Viewpoint 4: View from A78
- Viewpoint 5: View from close to Leitchland Farm
- Viewpoint 6: View from Drumillan Hill
- Viewpoint 7: View from Greenock Cut path

With regard to visual impacts on individual dwellings and communities, the applicant has provided an assessment of visual and landscape impacts, including viewpoints. Residential properties are considered sensitive to visual impacts, both from inside the property and areas of usable garden space and road approaches to dwellinghouses. The Zone of Theoretical Visibility indicates that visibility is evident from the north, south, east and west. However, visibility is largely localised in effect, although theoretical visibility is possible beyond 5km to the south-west.



View from the south-west corner into the site

### Viewpoint 1

This viewpoint is located at the junction of Flatterton Road and the unclassified road terminating at Leitchland Farm. The visual impact is short in duration for road users and only constitutes a minor proportion of the is road, therefore minimising impacts for users. Furthermore, the existing hedgerow and planting proposed will provide relief from views of the development. This will be particularly effective in the medium to long term when the planting matures.

### Viewpoint 2

This viewpoint is located on Flatterton Road close to the application site. The visual impact will be prominent from this viewpoint due to the close proximity to the development. However this impact is the same as for any viewpoint that is relatively close to a development.

### Viewpoint 3

This viewpoint is on Flatterton Road to the north-west of Chrisswell, 0.3km from the site. There is little or no visibility of the development from this viewpoint due to topography and vegetation.

#### Viewpoint 4

This viewpoint is located south of Chrisswell on the A78 and is 0.4km from the site. There is little or no visibility of the development from this viewpoint due to the intervening topography and vegetation.

#### Viewpoint 5

This viewpoint is located close to Leitchland Farm. Due to the elevated position of Leitchland Farm partial views of the development will remain after the proposed screening is completed.

#### Viewpoint 6

This viewpoint is located at the edge of the urban area of Greenock. There is little or no visibility of the development from this viewpoint due to topography and vegetation.

#### Viewpoint 7

This viewpoint is from the Greenock Cut (Core Path 15) approximately 1.26km from the site. The distance of the development from this viewpoint is considerable and the proposed development will involve a limited proportion of views from this position.

In considering the visual impact the site has some existing screening with varying depths of hedgerow located at the south, west and north. The maximum height of structures within the proposed development is 4m and this is not considered to be excessive. Mitigation suggested by the applicant includes retaining planting where achievable, and further planting to provide additional screening to ensure a continuation and enhancement of the existing screening.

Although the development would be a change in the landscape, the effects are localised. It is considered that the effect on the landscape as a result of the development is minor to moderate. The proposed development is not of significant scale to result in a wider change in the landscape that would be experienced across the whole Landscape Character Area. The proposed development is not of a scale that would dominate the landscape to any significant degree. Some of the components of the development such as the containers are structures which are utilised within agricultural settings, and would not be incongruous within a semi rural or urban fringe location. Landscaping and planting would provide a softening effect, reducing the impact on the immediate landscape. The landscaping/planting can be addressed by a planning condition.

The visual impact of the proposed development is also considered to be acceptable. Some longer distance views of the development are possible, however the development would appear as a minor component of the wider landscape. At distance, the horizontal and vertical scale of the development would not appear overbearing. Although visible, the development would not be a primary, isolated focus for the viewer, and would reside within a landscape with different and varying focal points. The adjacent residential properties in the study area would have a view of the development, although topography and screening would mitigate those impacts, especially as planting matures in the medium to long term. Views from Greenock are limited to small numbers of individual properties. It should also be noted that the limited height of the development ensures that the structures and buildings would not be overbearing nor disproportionate at this location. It should also be noted that visibility from the A78, which is below the site, is significantly restricted due to the topography.

NPF4 states that landscape and visual impacts are to be expected as a result of renewables development. Therefore a degree of tolerance to such impacts should be applied to any proposals for renewable energy. Should planning permission be granted the installation and maintenance of acoustic fencing will have a secondary purpose of providing further screening of the development.

## Ecology and Habitats

The applicant has provided an ecological assessment. There are no natural heritage designations at the site itself. The conclusion of the ecological assessment is that the site contains poor quality pasture and a low capacity for habitats. The assessment states that the presence of hedgerows may provide some potential habitat for badger setts and bats.

Policy 3(b) of NPF4 applies in this case as the application is for a major development. It is considered that the ecological value of the site is low. The nature of the development is such that the provision of local community benefits would be difficult to achieve. The planting proposed can however provide some habitat/biodiversity improves to comply with the requirements of Policy 3 of NPF4. Impacts on protected species are considered to be unlikely given the nature and condition of the majority of the site.

Should planning permission be granted a requirement for pre-construction species and bird breeding protection plans will be required. The applicant has submitted a landscape plan which proposes native mitigation screen planting to the north, west and east. Rich grassland will be formed around the screening areas. Artificial shelters are proposed for invertebrate and hedgehog species. The presence of hedgerows is generally considered suitable for badger habitat. These proposals could provide biodiversity improvement due to improved habitat features. A planning condition can be attached to secure the planting being carried out. Subject to the attachment of conditions the proposal is considered to generally comply with Policy 4 of NPF4.

Policy 33 of the adopted and proposed LDPs relates to biodiversity. The site at present has very limited habitat potential and of limited ecological value. The planting proposed can provide some habitat/biodiversity improves to also comply with the requirements of Policy 33 of the adopted and proposed LDPs.

## Impact on the Roads Network

The applicant has provided a Construction and Traffic Management Plan and clarified details on traffic movements. The applicant has confirmed that the maximum vehicles at one time, either for routine operation of the facility or maintenance, would be one vehicle. The Head of Service - Roads and Transportation advises the requirement for six permanent parking spaces for normal operation and maintenance of the facility. The applicant has demonstrated that six parking spaces can be provided to national minimum standards. A planning condition can be attached to ensure the parking bay dimensions meet national minimum standards. The applicant has provided an indicative temporary construction compound layout with five temporary parking bays. If consented, this aspect can be addressed by a planning condition requiring full details of the temporary construction compound prior to the commencement of development.

In terms of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP the development is not considered to encourage a significant degree of private vehicle travel outwith the construction period. Maintenance and operation of the development will only require one vehicle at any given time. Given the scale and type of development it is not considered that opportunities for walking and cycling would be a primary requirement. Access to the site will be restricted for safety and operational reasons. Access to the core path on Flatterton Road will not be physically restricted or impacted outside of the construction period. The Head of Service - Roads and Transportation and Transport Scotland do not object to the proposed development.

The advice from the Head of Service – Roads and Transportation regarding the width of the access, maintaining sightlines, paving the first 10m of the proposed access can be addressed by planning conditions should planning permission be granted. Transport Scotland did not request specific conditions to be added but did request that consideration be given to implications for the trunk road network should the trunk road network be impacted. This includes consideration of temporary measures and mitigation.

There may be some traffic impacts on the local roads network during the construction period. However, the construction phase is limited in duration, and the construction is relatively limited, with much of the activity relating to the delivery of battery storage units. Subject to appropriate controls such as a Construction Traffic Management Plan, which can be addressed by a condition, the impacts are capable of being mitigated.

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.

### Cumulative Impacts

Surrounding uses include individual residential properties, farm holdings and agricultural business premises. The site is only 1km from the settlement boundary of Greenock. Areas such as this at the fringe of urban areas often incorporate a variety of land uses, including electricity infrastructure, waste recycling or waste water management, which are often located close to the boundaries of settlements for operational reasons. In conjunction with the existing buildings and structures in the surrounding area, the limited scale of the proposed development is such that there is no significant cumulative effects that alters the wider landscape character. It should be added that the landscape at this location is not considered to be of special value, is not a recognised designation or highly distinctive. Localised landscape impacts as a result of renewable energy developments are considered to be generally acceptable under NPF4.

### Core Paths

Turning to impacts on recreational routes, the development is adjacent to the Ravenscraig to Howford Glen Core Path. Although the proposed development will be visible to core path users, the visual impact is considered to be short lived and transient. The section of the core path adjacent to the development is only a minor component of the entire route and would not significantly impact on the enjoyment of users.

Regarding access for users of the core path, operation of the development will only require minor vehicle movements and occasional site access. Construction of the development will require more extensive use of Flatterton Road although this will be limited to the 9 month construction period. This is not a permanent change to the use of the core path and the long term use is not affected.

Landscape changes that may include industrial components are likely along core paths, especially in the urban fringe. This also includes electricity infrastructure and civil infrastructure such as waste water treatment, which are commonly evident around the periphery of urban areas.

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 site is adjacent to a watercourse and on SEPA's Flood Maps the area at flood risk is generally within the boundaries of the watercourse. SEPA considers essential infrastructure developments of this type to be a relatively low risk land use in that they can be designed to remain operational if the land floods, and they are unlikely to increase flood risk to other people. SEPA has advised that the absence of land raising will ensure that the flood plain is not diminished in capacity by the development. It should be noted that consultees are aware that evidence of some localised flooding around the burn and glen (to the south west of the development area) has been identified. Consultees are satisfied that there is no significant additional risk as a result of this development.

In terms of Policy 9 of the adopted LDP and Policy 10 of the proposed LDP the development is proposed to have a Sustainable Urban Drainage System (SUDS) in order to manage the surface

water run-off from the site. The Head of Service - Roads and Transportation has not objected to the proposal in terms of flooding or drainage. The provision of further drainage details can be addressed by a planning condition. The proposal complies with Policy 8 of the adopted LDP and Policy 9 of the proposed LDP as well as Policy 9 of the adopted LDP and Policy 10 of the proposed LDP in respect of flood risk and drainage respectively.

#### Private Water Supplies (PWS)

The applicant has stated that the surface waters from the development discharge into a tributary of the Spango Burn, south of the identified PWS. There are also elevational differences of around 30m between the Spango Burn and the PWS. Furthermore, the proposed SUDS pond filters silt and pollutants prior to discharge. The Public Protection Manager generally concurs with the applicant and has identified the same PWS abstraction at Wellyard and a further upland source at Leitchland. Neither sources are considered at significant risk from the proposed development. The nature of the development is such that deep excavations are generally avoided. Although the risk to private water supplies is low, the proximity of the development to potential abstraction points is such that a planning condition is necessary requiring monitoring of sampling locations and provide mitigation, if impacts are identified. There is no significant concern regarding the integrity of any private water supplies. As detailed, a number of factors point to the conclusion that the development is physically disassociated from the abstraction points of any private water supplies. The nature of the development does not involve construction techniques that add further significant risks to private water. However, given the importance of maintaining potable water, it is prudent to protect the supplies by the attachment of a condition to ensure even the low risk of impact is mitigated.

#### Cultural Assets and Archaeology

There is an absence of historic environment assets (i.e. archaeology, Scheduled Monuments, Listed Buildings, Conservation Areas and Gardens and Designed Landscapes) in the vicinity of the proposed development. The Overton reservoirs and channels associated with the Greenock Cut viaduct and core path are scheduled monuments at a distance of approximately 1.5km from the proposed site. The Ardgowan Estate is a Garden and Designed Landscape 2km to the south west of the site.

The Flatterton Farmstead may be buried in the vicinity of the proposed site and the Flatterton Aircraft Battery is located to the north of the site. No SMR (Scheduled Monument) is close enough to the site for the setting to be adversely affected. There is however enough evidence of human activity to suggest that buried archaeological remains may be present within the site itself. Should planning permission be granted application an archaeological watching brief can be addressed by a planning condition.

It is considered that the distance from listed buildings, scheduled monuments and conservation areas are sufficient to ensure that there are no unacceptable impacts on their settings. It should be noted that the longer distance views of the proposed development are not considered significant. The proposed development would form a visible but not overbearing landscape change.

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

Noise impacts from this type of development are a result of operation of the transformer, inverter(s) and air conditioning within the battery containers. A Noise Impact Assessment has been submitted with measurements taken from five noise sensitive locations. The report concludes that the perimeter fence should have acoustic absorption qualities to limit noise emissions during periods where operations are at a maximum.



There are two properties that have a financial interest in the development at Flatterton Farm and Burneven, approved under 18/0001/IC as an agricultural worker's dwelling for Flatterton. Guidance in this respect indicates that consideration should be given to allowing a higher tolerance of noise impacts on properties that are financially involved in a proposed development. The proposed development would result in a high noise impact for one financially involved property which is Flatterton Farm. It is therefore acceptable for this property to experience a greater noise impact than would be the case for a property unrelated to the proposal. Furthermore, night time and interior dB levels are satisfactory for all receptors. The applicant has proposed acoustic fencing around the north-east boundary.

The 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. The acoustic fencing can be addressed by a planning condition.

### 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. No other information regarding this has been submitted. Notwithstanding, given the type of development and its location, it is considered that decommissioning and site restoration is necessary at the end of the lifetime of the development. It is considered that a planning condition is necessary to ensure sufficient funds are available to decommission 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 planning condition.

### Consultation Responses

With regard to other points made in consultation responses the Head of Service – Roads and Transportation advised that a Section 56 agreement would be required for alterations to the road network. This can be an advisory note should planning permission be granted.

The Public Protection Manager advises that all external lighting should comply with Scottish Government Guidance, construction regulations adhered to, construction design should consider the nesting of gulls, surface water should be collected and disposed of properly during construction and operational phases. These matters can be advisory notes should planning permission be granted.

### Representations

With regard to the objections that have been received and have not been considered above the following comments are made.

In terms of the application not being widely publicised the notification and advertisement of the application complies the requirements of the Town and Country Planning (Development

Management Procedure) (Scotland) Regulations 2013. As there are no premises on neighbouring land within 20m of the boundary of the application site the application was advertised in the local press.

With regards to health and safety impacts, it is considered that health and safety risks are commensurate with a development of this type, and are not considered unusual, excessive or unacceptable. The operator will require to comply with health and safety at work legislation which also includes good practice related to the construction phase.

In terms of the request to consult directly with specific residents and/or areas, there is no requirement to notify specific residents other than required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Regarding the lack of community benefits, the provision of community benefits is not a material consideration in assessing a proposed development. The Scottish Government recommends that applicants consider the provision of community benefits resultant from the generation of renewable energy. This proposal does not involve the generation of energy and does not require community benefits in this instance.

With regard to the comments pertaining to profiteering from the green belt, this is not a material consideration.

In terms of fire risk, this is not a material planning consideration. The Scottish Fire and Rescue Service has been consulted and after their assessment provided no comments on the application.

In terms of impacts on the future of Inverclyde and tourism, there is no evidence to suggest that the location, construction or operation of the development would have wider and negative impacts on the local authority area.

Regarding the comments that the development should be close to a major road, the location of the development is considered acceptable in relation to the impacts on the local and wider road network.

With regard to potential bacterial effects from standing water in SUDS ponds, the risk of stagnant or contaminated water in SUDS is considered low, particularly where the scheme is properly designed and managed.

A further comment relates to the impact on the right of way. A right of Way is located outwith the development site (designated as route 4 from Lunderston Bay to Braeside Farm via Flatterton) and is not considered to be adversely impacted by the proposed development. The right of way commences at Howford Glen, to the immediate south west of the site.

In terms of surface water run off occurring in conjunction with potential reuse of a hydro scheme, the potential reuse of a dormant hydro scheme is not a material consideration.

### Conclusion

It is acknowledged that the development is within the green belt. 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 wider area.

The proposed site is approximately 1.8km from the Spango Valley Sub-Station and adjacent to the settlement boundary of Greenock. Therefore the requirement for the site to be accessible would be

met. The visual and landscape impacts as a result of the development are localised, and benefit from some terrain shielding, especially from the A78.

There will be landscape and visual impacts associated with the proposal particularly until the proposed landscape planting becomes established and matures. These impacts are however limited and considered acceptable in the context of the benefits that the proposal will bring in terms of 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.

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. There are no material considerations that outweigh the policies.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. The battery energy storage facility hereby approved shall not exceed 49.9MW in generating capacity.
3. Development shall not commence until the applicant/developer has submitted details of private water sampling locations, background baseline monitoring details and a timescale for reporting all for the approval in writing by the Planning Authority. Should the sampling thereafter indicate that there have been adverse impacts on the Private Water Supply, a scheme of mitigation shall be submitted to and approved in writing by the Planning Authority and shall take immediate effect upon such approval.
4. Development shall not commence unless and until a finalised Landscaping Plan has been submitted to and received the written approval of the Planning Authority. The Landscaping Plan shall include, but shall not necessarily be limited to:-
  - (i) Details, including plans, sufficient to identify the location of all proposed landscape planting on site;
  - (ii) Details of the species composition and layout of proposed landscape planting (including the use of semi-mature trees where practicable), evidencing the proposals will be capable of providing effective screening of the Development;
  - (iii) Details of the management of the landscape planting to ensure it establishes and is maintained throughout the lifetime of the Development, providing effective screening of the Development, and
  - (iv) Details of the timetable for the implementation of the planting detailed within the Landscaping Plan.

The approved Landscaping Plan shall thereafter be implemented in full in accordance with the approved plans and in line with the approved timetable, unless otherwise agreed in writing in advance by the Planning Authority.

5. Development shall not commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and received the written approval of the Planning Authority, in consultation with Roads and Transportation and Transport Scotland. The CTMP shall include (but shall not necessarily be limited to details of:

- (i) The routing of all traffic associated with the development on the local road network, including on the trunk road network to access the site, and measures to ensure that the specified routes are adhered to including monitoring procedures; Construction traffic management and mitigation measures and timings thereof; permits, junction widening, routes and volumes for imported materials, and any associated signage;
- (ii) Mitigation and traffic management measures to ensure that construction traffic is managed to reduce the impacts on public roads, drainage, structures and other street furniture and reduce the impact on the road condition;
- (iii) Traffic management and site protocol, including details of measures to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities and measures to clean the site entrances and the adjacent local road network if required;
- (iv) Details of any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered, such measures must be undertaken by a recognised Quality Assured traffic management consultant;
- (v) Any weight restrictions on the delivery route shall be reported and complied with during usage of the routes;
- (vi) Any temporary site access signage and temporary traffic management measures for the construction of the site access.

The CTMP approved shall thereafter be implemented in full and adhered to at all times unless otherwise agreed in advance in writing by the Planning Authority.

6. For the avoidance of doubt parking spaces in the site shall be a minimum of 2.5m by 5.0m with a minimum of 6m aisle spacing.

7. For the avoidance of doubt visibility splays of 2.4m x 90.0m x 1.05m shall be maintained at all times at the vehicular access with Flatterton Road as shown on drawing 005I\_A Figure 5.3 Rev A. This should include the illustrated hedgerow realignment to ensure clear visibility.

8. For the avoidance of doubt: the vehicular access into the site shall be fully paved for a minimum of 10m; the gradient of the access shall not exceed 10%; and the minimum width of the access shall be 4.8m for the first 10m.

9. Development shall not commence unless and until full details, including location, dimensions and specification of the acoustic fences, including their noise attenuation properties, have been submitted to and approved in writing by the Planning Authority. The acoustic fences shall thereafter be installed on site before the first commissioning of the development and shall remain in position for the lifetime of the development in accordance with the details approved unless otherwise agreed in writing in advance by the Planning Authority.

10. In the event of any suspected contamination or Japanese Knotweed being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority: thereafter, site works may not recommence until a Remediation Scheme (to be submitted for the prior written approval of the Planning Authority) has been completed to the satisfaction of the Planning Authority in writing.

11. Development shall not commence unless and until full details of all site lighting have been submitted to and approved in writing by the Planning Authority. The details shall include but shall not necessarily be limited to:

- (i) The location of all temporary and permanent site lighting, and full details including elevation plans of the lighting columns / units proposed;
- (ii) Lux levels of the temporary and permanent site lighting and details of the lighting unit models, noting all permanent lighting units will require to be motion-activated in nature, and

(iii) Measures, including directional positions of lighting, to reduce light pollution / spillage in the surrounding area.

For the avoidance of doubt, all permanent site lighting shall be motion-activated in nature and the site shall not be otherwise lit during hours of darkness, save for being activated by movement within the site.

The lighting shall be implemented on site in accordance with the approved details.

12. Development shall not commence unless and until details and specifications of all development infrastructure has been submitted to and approved in writing by the Planning Authority. These details shall include but shall not necessarily be limited to:

- (i) Dimensions of all infrastructure components, buildings and structures forming the development;
- (ii) Details of the make and model of infrastructure units to be installed on site, including sound level output where relevant, and
- (iii) The external colour and/or finish of all development infrastructure.

The development infrastructure shall thereafter be installed in accordance with the details approved above and maintained in the approved colour, free of rust and discolouration for the lifetime of the development.

13. All vegetation clearance, tree felling, soil stripping and construction works shall be undertaken out with the breeding bird season (March to August inclusive). Where this is not possible, nesting/breeding bird surveys shall be undertaken by an appropriately qualified ornithologist, of any areas to be the subject of vegetation clearance, tree felling, soil stripping or construction works and the results of the surveys shall be used to produce a Bird Protection Plan (BPP) to be submitted for the written approval of the Planning Authority prior to any such activities taking place on site. The BPP shall include full details of the surveys carried out and their results, all necessary mitigation and operational protocols appropriate to the species identified during the surveys, including any appropriate buffers to prevent or minimise disturbance of birds during vegetation clearance, tree felling, soil stripping and construction works and any post-construction restoration. The Bird Protection Plan approved above shall thereafter be implemented in full in accordance with the approved details during all vegetation clearance, tree felling, soil stripping and construction works, and post-construction restoration works.

14. Not more than three months prior to the commencement of development, Ecology Pre-commencement Surveys shall be conducted to determine the presence or otherwise of bats, otters, badgers, red squirrels, reptiles and other protected species which may be present on site. Details of the surveys and the results of the surveys shall be submitted to the Planning Authority prior to the commencement of development. Where the surveys required above indicate that any protected species are present on site or could be affected by the Development, Species Protection Plans, specific to each relevant species, detailing all mitigation required shall be submitted for the written approval of the Planning Authority, prior to the commencement of development. Any Species Protection Plans approved above shall be implemented in full as approved during all construction works.

15. Development shall not commence until a detailed decommissioning and restoration scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall detail the measures for the decommissioning and removal of the containers, batteries and associated ancillary infrastructure and restoration of the site thereafter to restore the site to its former condition or such other condition as agreed in writing by the Planning Authority. The scheme shall cover (but shall not necessarily be limited to the following matters:

- (i) works for the removal of all containers, batteries and ancillary infrastructure;
- (ii) environmental management provisions to be implemented throughout the decommissioning and restoration period;

- (iii) details of the restoration works and timetable for all decommissioning and restoration works, and
- (iv) details of aftercare provisions to ensure the restoration has been successful.

No later than 6 months prior to the expiry of this consent, or intended decommissioning of the development, whichever is earlier, the containers, batteries and ancillary infrastructure will be decommissioned and removed from site and restoration undertaken all in accordance with the decommissioning and restoration scheme approved above.

16. For the avoidance of doubt if the battery storage facility does not import or export electricity to and from 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.

17. Development shall not commence unless the applicant/developer has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 15 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 15. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

18. Development shall not commence until final details of the external appearance, dimensions and finishing and surface materials of the temporary construction compound and parking areas and any fencing, lighting or other ancillary structures associated with the temporary construction compound have been submitted to and approved in writing by the Planning Authority.

The temporary construction compound and its associated ancillary infrastructure shall be implemented in accordance with the details approved above unless otherwise agreed in writing by the Planning Authority.

19. Noise from or associated with the completed development (the buildings and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

20. Development shall not commence until details of the proposed surface water drainage have been submitted to and approved in writing by the Planning Authority. Following approval, the surface water drainage shall be fully implemented on site.

21. Development within the site as outlined in red on the approved plan shall not commence unless and until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken.

Thereafter the Developer shall ensure that the programme of archaeological works, approved above is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved scheme.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. In order to ensure the development complies with the development consented and electricity generation exceeding this capacity requires consent under different legislation.
3. To protect the source and quality of private water supplies.
4. To ensure planting undertaken will provide effective screening of the development and will be maintained in an effective condition for the lifetime of the development, in the interests of visual amenity
5. In the interests of road safety and to ensure that impacts on routes and communities are adequately assessed and used to inform appropriate mitigation measures.
6. To ensure parking space dimensions meet national standards.
7. In the interests of road safety.
8. To prevent loose driveway material being spilled onto the road and in the interests of residential amenity and road safety.
9. To ensure appropriate mitigation is secured and implemented in the interests of residential amenity.
10. To ensure that any contamination and Japanese Knotweed concerns are managed appropriately.
11. To ensure appropriate lighting is operated on site with mitigation to protect amenity and in the interests of ecology and the environment.
12. To ensure the colour of all built elements within the site is reflective of the landscape setting in the interests of visual amenity.
13. To ensure protection of the environment of breeding birds
14. To ensure that adequate ecological protection is implemented, in the interests of minimising adverse effects on the species.
15. To ensure the satisfactory restoration of the site in a suitable and environmentally acceptable manner, in the interests of safety, amenity and environmental protection.
16. In the interests of maintaining control of the development should it become redundant and to ensure that the site is restored.
17. 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.
18. To ensure the temporary construction compound is constructed in accordance with the approved plans.
19. To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.
20. To avoid impacts on the water environment and mitigate flood risk and runoff.

21. To ensure archaeological interests that may exist or be discovered on the site are not destroyed or disturbed without being recorded.

Stuart Jamieson  
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Colin Lamond on 01475 712422.



**Report To:** The Planning Board

**Date:** 5 June 2024

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

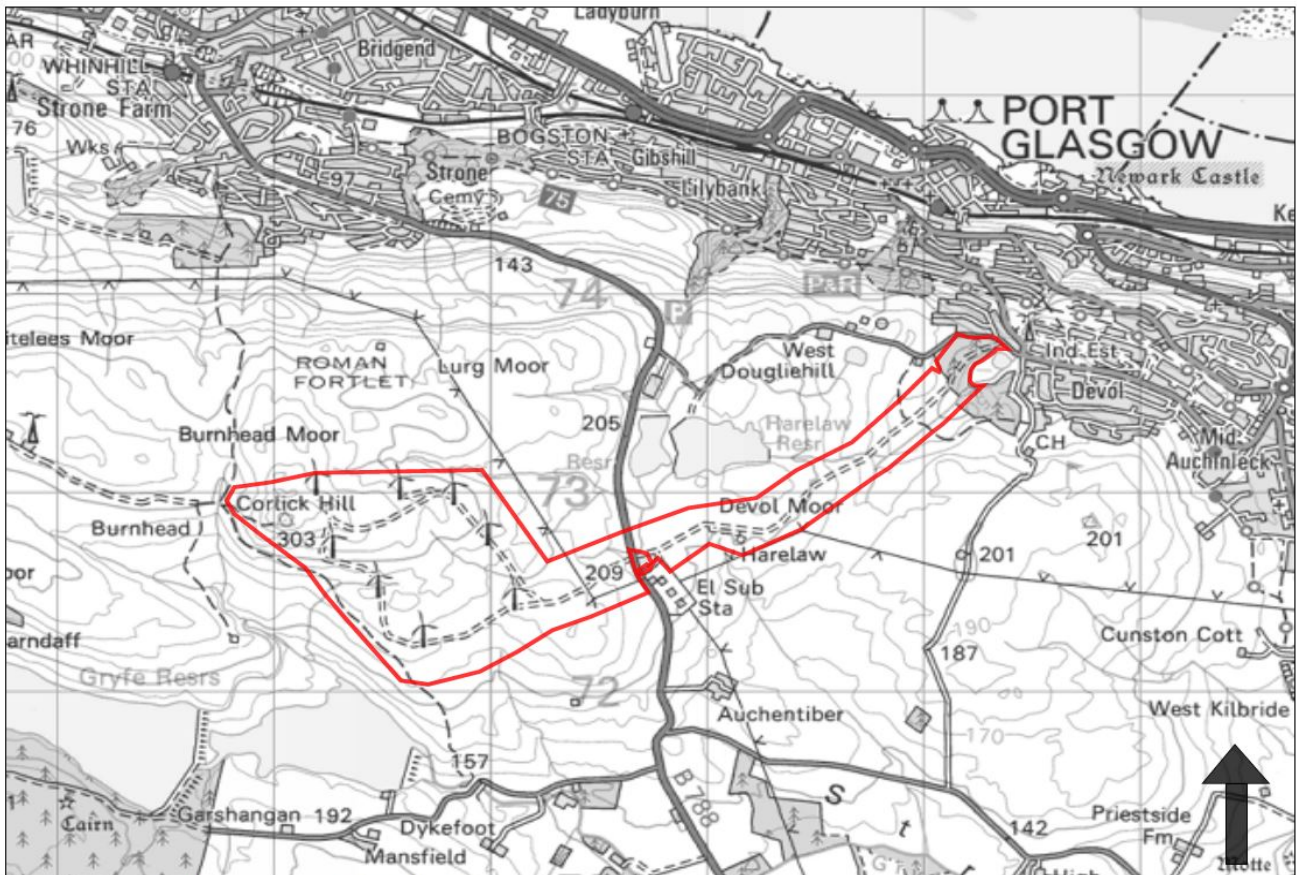
**Report No:** 23/0236/IC

**Major Application Development**

**Contact Officer:** Colin Lamond

**Contact No:** 01475 712422

**Subject:** Erection of 8 wind turbines, construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers, culverts), formation of borrow pit, erection of sub-station and control building, formation of car park and temporary construction compounds (amendment to Condition 2 of planning permission 13/0199/IC granted on appeal by the Scottish Ministers to extend the operational lifespan from 25 years to 50 years) (Section 42 application) at land North and East of Corlick Hill, Greenock



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## SUMMARY

- The amendment sought in the Section 42 application complies with National Planning Framework 4, the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan.
- There has been one objection on the basis of the application being premature in light of potential changes that may occur in the renewables market.
- The consultation responses present no impediment to the amendment sought in the Section 42 application.
- The recommendation is to GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=RP59FTIML7T00>

## SITE DESCRIPTION

The application relates to the Inverclyde Wind Farm which consists of 8 turbines with associated infrastructure. Each turbine has a hub height of 65 metres and a blade tip height not exceeding 110 metres. Associated development includes hardstanding areas, access tracks which are approximately 5.8km in length, underground cabling, transformers, a site sub-station and control room. The overall site area of the wind farm is approximately 209 hectares, and approximately 2.4 kilometres to the south of Greenock town centre. It is at the edge of the Clyde Muirshiel Regional Park and is open moorland. A number of individual dwellings are scattered around the moorland fringes at distances of 970m to 1100m from the wind farm.

The wind farm site is bisected by the B788 linking Greenock with Kilmacolm. The land to the west of the road is open upland moorland drained by burns flowing from the Knocknairshill Reservoir. The wind farm is on land which generally slopes downwards in an easterly and southerly direction. Moorland and semi-improved pastures encircle the site. The north of the site slopes towards housing in upper Greenock. The Glasgow and Clyde Valley Landscape Character Assessment categorises the land within the site as 'Rugged Moorland Hills'. There are two scheduled monuments (Roman Forlet and Hut Circle) close to the eastern periphery of the site. Generating capacity of the wind farm is 24MW.

## BACKGROUND

An application for planning permission (13/0199/IC) for the erection of 8 wind turbines (tip height of 110m), construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers, culverts), formation of borrow pit, erection of sub-station and control building, formation of car park and temporary construction compounds was refused by the Inverclyde Planning Board on 5th November 2014.

The refusal of planning permission was appealed to the Scottish Ministers. The Scottish Ministers upheld the appeal and granted planning permission subject to conditions for the wind farm on 17th May 2016 (DPEA Reference: PPA-280-2022).

Work commenced on the wind farm on 14th May 2019 and electricity was first exported to the grid on 20th November 2020.

## SECTION 42 APPLICATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for a development but with different conditions from those attached to the previous permission for that development. The effect of granting permission for a

section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. It should be noted that the previous permission remains unaltered by, and is not varied by, the decision on a Section 42 application.

The advice from the Scottish Government (contained in Annex H of Circular 3/2022 – Development Management Procedures) is that in determining Section 42 applications, planning authorities may only consider the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has lapsed or is incapable of being implemented. The advice goes on to indicate that where it is considered that permission should be granted subject to different conditions or no conditions, a new permission should be granted and all conditions attached. If it is considered that planning permission should be granted subject to the same conditions as the previous permission, the advice indicates that the Section 42 application should be refused. The making, granting, or refusal of a Section 42 application does not alter or affect the previous permission or its conditions. If a Section 42 application is approved the advice is that planning authorities should attach to the new permission all of those conditions from the previous permission where it is intended these should apply.

## **PROPOSAL**

Condition 2 of the planning permission granted on appeal by the Scottish Ministers states:

*“The permission hereby granted will last for a period of 25 years from the date when electricity is first exported to the electricity grid network from the first of the wind turbines. Written confirmation of that date shall be provided to the planning authority within one month of it occurring. The permission will expire at the end of the 25 year period unless the planning authority has expressly approved an extension in writing”*

Reason:

*Permission was sought on a temporary period only and requires to be reassessed if it is intended to endure beyond the 25 year period. In the interests of amenity.*

This Section 42 application is to amend Condition 2 to extend the operational lifetime of the wind farm to 50 years. The applicant has suggested Condition 2 should state:

*“The permission hereby granted will last for a period of 50 years from the date when electricity is first exported to the electricity grid network from the first of the wind turbines. Written confirmation of that date shall be provided to the planning authority within one month of it occurring. The permission will expire at the end of the 50 year period unless the planning authority has expressly approved an extension in writing.”*

### **Submitted Reports**

The application has been accompanied with a Supporting Statement (September 2023) as well as a Landscape and Visual Supplementary Environmental Information (January 2024).

## **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.

It is important to note that the assessment by the Planning Authority focuses on the significant environmental effects predicted to arise as a result of the development as such effects are more likely to be of a determinative nature in the assessment and conclusions. For the avoidance of doubt a lack of significant effect does not mean there will be no effect at all and non-significant effects are still relevant to the assessment of the development.

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

### **Policy 1 Tackling the climate and nature crisis**

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

### **Policy 2 Climate mitigation and adaptation**

- 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 long term retention and monitoring should be included, wherever appropriate;
  - v. local community benefits of the biodiversity and/or nature networks have been considered

### **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.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: i. will support meeting renewable energy targets; or, ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

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

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.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

### **Policy 8 Green Belt**

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

they are for:

- minerals operations and renewable energy developments 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;
- 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:

wind farms including repowering, extending, expanding and extending the life of existing wind farms

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.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed: Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

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;

Public access, including impact on long distance walking and cycling routes and scenic routes;

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;

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

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

## **Policy 29 Rural development**

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 2019 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 3 and demonstrated in a design-led approach. 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, 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 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 10 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **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) 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 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:

- a there are no alternative solutions; and
- b there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c compensatory measures are provided to ensure that the overall coherence of the Natura 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 protect 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, 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. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.



## 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 37 - Clyde Muirshiel Regional Park**

Proposals for development within Clyde Muirshiel Regional Park will be considered with regard to the Park Objectives and Strategy.

### **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.

The **adopted Supplementary Guidance on Energy applies.**

## **Proposed 2021 Inverclyde 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 3 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:

- h) the resources protected by the Plan's historic buildings and places and natural and open spaces chapters;
- i) the amenity and operations of existing and adjacent uses;
- j) tourism and recreational resources;
- k) air quality;
- l) aviation and defence interests;
- m) telecommunication and broadcasting interests; and
- n) 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 9 - 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: • be at significant risk of flooding (i.e. within the 1 in 200 year design envelope); • increase the level of flood risk elsewhere; and • reduce the water conveyance and storage capacity of a functional flood plain. The Council will support, in principle, the flood risk management 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 resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

### **Policy 11 - Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

### **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) 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 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:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) 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 38 - Clyde Muirshiel Regional Park**

Proposals for development within Clyde Muirshiel Regional Park will be considered with regard to the Park Objectives and Strategy and to the Park's statutory purpose of providing recreational access to the countryside.

The **Draft Supplementary Guidance on Energy** applies.

### **CONSULTATIONS**

**Head of Service - Roads and Transportation** - has no objection to extending the operational life of the wind farm.

**Public Protection Manager** - has no comment to make.

**Scottish Gas Networks** - has no objection.

**Glasgow Prestwick Airport** - has advised that the application to extend the operational life of the wind farm has no aviation safeguarding implications, and does not object.

**Glasgow Airport** - confirmed that an amendment to the Radar Mitigation Agreement was signed on 11th March 2024. Therefore Glasgow Airport has no objection to the proposal.

**Historic Environment Scotland** - are content that the proposed variation to Condition 2 will not lead to changes to the previously assessed effects on the historic environment. Their view is that the proposals do not raise historic environment issues of national interest and therefore do not object.

**Ministry of Defence** - has no objection to the variation of Condition 2 as there are no physical changes to the consented development. Advises they wish to be consulted and notified of any alterations or other submissions relating to this proposal in order that amendments can be checked for any additional impact on defence interests as even the slightest change to the form and layout of the scheme may have significant impacts.

**Scottish Civic Trust** - has no comment to make.

**North Ayrshire Council** - has no comments to make.

**Renfrewshire Council** - has no objection.

**Transport Scotland** - does not propose to advise against the granting of permission.

**NatureScot** - has no comment to make.

**National Air Traffic Service** - has no safeguarding objection to the proposal.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 2nd February 2024 as there are no premises on neighbouring land.

## **SITE NOTICES**

This type of application does not require a site notice.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification and no representations were received.

The Kilmacolm Civic Trust has objected on the basis that it is premature to extend the operational life of the wind farm, in light of potential changes that may occur in the renewables market.

## **ASSESSMENT**

Although this is a Section 42 application it should be noted that this is a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the generating capacity of the windfarm exceeds 20MW and does not exceed 50MW.

The Scottish Ministers considered the wind farm to be acceptable, including in terms of impacts on the landscape, visual impact, noise, shadow flicker, impacts of communities and individual dwellings, when assessed against the development plan and material considerations when determining the appeal against the refusal of planning permission. As this is an application to amend a condition of the planning permission granted on appeal it is not considered necessary to otherwise re-assess the details of the wind farm development against the relevant Development Plan policies given that the wind farm is operational. Since the planning permission was granted on appeal and the wind farm has become operational National Planning Framework 4 has been adopted. In accordance with the advice from the Scottish Government contained in Annex H of Circular 3/2022 on Development Management Procedures this Section 42 application shall consider the condition that is proposed to be amended and the assessment will therefore primarily focus on the relevant policies from National Planning Framework 4 as well as any relevant policies of the adopted Inverclyde Local Development Plan and the proposed Inverclyde Local Development Plan. The Local Development Plans are supported by the adopted and draft versions of the "Supplementary Guidance on Renewable Energy".

With regard to this Section 42 application the advice at paragraph 10 of Annex G (Duration of Planning Permission) of Scottish Government Planning Circular 3/2022 is also relevant. The advice is a Section 42 application can be used to apply for a new planning permission for the same development, but with different conditions, including in respect of duration. Even where such an application does not relate specifically to conditions on duration or time periods for subsequent approvals or actions, the Planning Authority and the applicant will nevertheless want to give consideration as to whether conditions in these regards need to be amended due, for example, to the passage of time since the earlier permission was granted.

## **The Policy Context**

### National Policy

National policy is contained in National Planning Framework 4. The six overarching spatial principles in National Planning Framework 4 are identified as:

**Just transition.** Empower people to shape their places and ensure the transition to net zero is fair and inclusive.

**Conserving and recycling assets.** Make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.

**Local living.** Support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.

**Compact urban growth.** Limit urban expansion so as to optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

**Rebalanced development.** Target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.

**Rural revitalisation.** Encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

By applying these spatial principles the national spatial strategy is to support the planning and delivery of sustainable, liveable and productive places which are to be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring the environment.

This application to extend the operational lifetime of the wind farm draws significant support from Policies 1 and 2 of NPF4. Regarding Policy 1, the principle of extending the operational lifetime of a renewable energy development is of significant net benefit to efforts to tackle the climate crisis. Providing zero and low carbon energy primarily replaces energy sources derived directly from fossil fuels. The proposal to extend the operational life of the wind farm also draws general support from Policy 2 of NPF4 as the development minimises greenhouse gas emissions by producing renewable energy.



Access into the Inverclyde Wind Farm taken from the B788

Regarding the nature crisis under Policy 1 of NPF4 matters related to tree loss, impacts on watercourses, disturbance to wetland, disruption to drainage, loss of peat and pollution risk were assessed when planning permission was granted on appeal by the Scottish Ministers. Extending the operational life of the wind farm is not considered to have a material impact on these matters.

With regard to Policy 3 of NPF4 relating to 'Biodiversity' Condition 9 of the planning permission granted on appeal required the appointment of an Ecological Clerk of Works (ECoW). A key role of the ECoW was to undertake pre-construction surveys for protected species. Condition 7 of the planning permission granted on appeal required a Construction Environmental Management Plan (CEMP) which included habitat improvement and management measures. As part of Condition 7 an update to the Habitat Management Plan (HMP) was submitted in October 2020 which included a summary of habitat improvement measures. This included measures such as ditch blocking to improve drainage and grazing/vegetation management to support heath and bog habitats. Habitat improvement measures for bird species were also outlined. Measures to monitor effectiveness were also included. The commitment to the HMP by the wind farm operator is stated as applying for the entire duration of the operational life of the wind farm. Should the operational lifetime of the wind farm be extended it would be incumbent on the wind farm operator to continue the HMP. Should this Section 42 application be approved this matter can be addressed by a planning condition in order to comply with the terms of Policy 3 of NPF4.

The extension of the lifetime of wind farm is not considered to impact on any historic assets as there have been no significant changes in baseline conditions have occurred since the planning permission was granted on appeal and the wind farm has become operational. This has been confirmed in the consultation response from Historic Environment Scotland. The extended operational lifetime of the wind farm is therefore considered to accord with the terms with Policy 7 of NPF4.

Policy 8 a) of NPF4 indicates that development proposals within a green belt designated within Local Development Plans will only be supported if they are for minerals operations and renewable energy developments and subject to consideration about impacts including on landscape character and there being no significant long-term impacts on the environmental quality of the green belt.

The location for the wind farm in the green belt and its associated impacts were considered acceptable when the appeal was determined by the Scottish Ministers. As the wind farm is operational it is acknowledged there will be impacts on the landscape and visual impacts during the current operational lifetime of the wind farm. It is considered these impacts will be similar for any extended operational lifetime of the wind farm. The extended operational lifetime of the wind farm can be considered to be acceptable under the terms of Policy 8 of NPF4.

Policy 11 a) of NPF4 on Energy supports proposals for all forms of renewable, low-carbon and zero emissions technologies. The extended operational lifetime of the wind farm can be considered to be acceptable under the terms of Policy 11 a) of NPF4.

Policy 11 c) of NPF4 on Energy indicates 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. In terms of socio-economic benefits the Scottish Ministers concluded that a net economic benefit was likely but may be modest, and difficult to measure in local terms. The wind farm has exported electricity since 2020 and any economic benefits from construction have passed. A degree of employment is supported by the operation and maintenance of the wind farm. The eventual decommissioning of the wind farm could provide some further employment and supply chain benefits.

Policy 11 e) of NPF4 relates to impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker. There has been a resultant visual impact and change in the landscape character as a result of the construction and operation of the wind farm. Policy 11 of NPF4 states that landscape and visual impacts are to be expected with renewable energy developments, and that where impacts are localised they would normally be acceptable. These impacts were considered to be acceptable when the Scottish Ministers granted planning permission on appeal. It is considered that these impacts will remain the same for the extended operational lifetime of the wind farm as this Section 42 application does not involve any physical changes to the wind farm. The appeal decision included planning conditions relating to operational noise limits for the turbines and a noise complaint protocol as well as controls over noise levels during decommissioning. The planning condition relating to operational noise limits for the turbines is



required to continue to apply to the extended operational lifetime of the wind farm, should this application be approved.



Interior of site: track and turbine facing north west into the site

With regard to the impact on public access, including impact on long distance walking and cycling routes and scenic routes, this was considered to be acceptable when the planning appeal was determined by the Scottish Ministers and physical access to core paths would not be disrupted as a result of the long term operation of the site. A planning condition was attached to the appeal decision which required the submission of a plan to demonstrate how public access could be improved. The information was submitted relating to a further pathway to enhance accessibility, which was considered acceptable. The access track network within the wind farm is used for recreational purposes including walking. As this Section 42 application does not propose to physically change the wind farm the access tracks will be accessible during the extended operational lifetime of the wind farm.

In terms of impacts on aviation and defence interests, including seismological recording, the planning permission granted on appeal includes a condition relating to a radar mitigation. A Primary Radar Mitigation Scheme contract was signed by the wind farm operator and Glasgow Airport to comply with the planning condition. An updated contract was agreed between Glasgow Airport and the wind farm operator on 11th March 2024. As such Glasgow Airport has no aviation safeguarding objections to the proposal to extend the operational life of the wind farm. Glasgow Prestwick Airport, the National Air Traffic Service and the Ministry of Defence also have no aviation objections to the proposed extended operational lifetime of the wind farm.

In terms of Impacts on telecommunications and broadcasting installations Condition 16 of the planning permission granted on appeal has a condition that required the provision of a television and radio mitigation plan. This condition relates to complaints about interference being investigated for a

period of 12 months after the commissioning of the wind farm. The 12 months period has now passed and no significant risk to broadcasting reception is anticipated from the extended operation of the wind farm. As the 12 months period has passed it is not considered necessary to include a planning condition similar to Condition 16, should this application be granted.

Impacts on the roads network and traffic, including during construction, were assessed when the appeal was determined by the Scottish Ministers. The impacts were addressed by a Traffic Management Plan and method statement prior to the commencement of development. The current operation of the wind farm including any maintenance involved is not considered to have significant issues regarding traffic volumes or access arrangements. It is considered that this will be the same for the extended operational lifetime of the wind farm.

With regard to impacts on the historic environment the extension of the operational lifetime of wind farm is not considered to impact on any historic assets as there have been no significant changes in baseline conditions have occurred since the planning permission was granted on appeal and the wind farm has become operational.

With regards to the effects on hydrology, the water environment and flood risk these were considered when the planning appeal was determined. These impacts were primarily during the construction phase where ground breaking occurred and pollution risks were most likely. The planning permission granted on appeal contains conditions relating to method statements for water crossings, watercourse monitoring, de-watering, provision of a ground water protection plan, measures to protect Ground Water Dependent Terrestrial Ecosystems and monitoring of private water supplies. An Ecological Clerk of Works was also appointed with a remit to protect the water environment. In summary, the main impacts on the water environment would have been as a result of the wind farm during the construction phase. It is not considered that the extended operational lifetime of the wind farm poses any significant risk to the water environment.

In terms of impacts on biodiversity and bird species these were considered when the appeal was determined by the Scottish Ministers. Conditions were attached including requiring the monitoring of construction works during the breeding season. Measures for habitat improvement were also subject to a condition. Habitat improvement is likely to have some potential benefits long term, and throughout the operational lifetime of the wind farm. The extension of the operational lifetime of the wind farm is not considered to have any additional adverse impacts in this regard.

In terms of impacts on trees, woods and forests a number of trees were removed to the east of the B788 to facilitate access to the site. This was considered acceptable when the appeal was determined by the Scottish Ministers. The extended operational lifetime of the wind farm is not considered to have any demonstrable impact on existing woodland and trees.

In terms of proposals for the decommissioning of energy developments, including ancillary infrastructure, and site restoration the decommissioning and site restoration has been addressed by a planning condition of the planning permission granted on appeal. Should this Section 42 application be granted a planning condition will be required to ensure decommissioning and restoration at the end of the extended operational lifetime of the wind farm.

In terms of the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans the provision of a financial guarantee and the decommissioning of the wind farm was addressed by a planning condition on the planning permission granted on appeal. This was approved and it is considered that a planning condition is required to address this for the extended operational lifetime of the wind farm.

In terms of cumulative impacts this Section 42 application has been accompanied with The applicant has provided wireframes and a Zone of Theoretical Visibility representing 9 viewpoints up to 10km from the wind farm. The viewpoints represent a variety of receptors including residential locations, road users, recreational users and historic assets. The visualisations indicate that there is no cumulative visual impact beyond that assessed previously. There have been no developments

consented since the planning permission granted on appeal that would significantly add to the cumulative baseline.

Policy 11 f) of NPF4 indicates that consents for energy development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity. Policy 11 f) therefore offers support for a longer operational period for the wind farm than was granted when the planning appeal was determined.

Drawing the matters referred to above together, the proposed extension to the operational lifetime of the wind farm is considered to comply with the terms of Policy 11 of NPF4.

Policy 29 b) of NPF4 indicates that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. The location for the wind farm and its associated impacts were considered acceptable when the appeal was determined by the Scottish Ministers. As the wind farm is operational it is acknowledged that as a result of the number and size of the turbines that there will be impacts on the character of the area during the current operational lifetime of the wind farm. It is considered these impacts will be similar for the extended operational lifetime of the wind farm. The extended operational lifetime of the windfarm can be considered to be acceptable under the terms of Policy 29 b) of NPF4.

### Local Policy

It should be noted that the 2019 Inverclyde Local Development Plan and the Supplementary Guidance on Energy were adopted after the planning permission was granted on appeal by the Scottish Ministers. The planning permission granted on appeal also pre-dates the preparation of the 2021 proposed Inverclyde Local Development Plan and the accompanying draft version of the Supplementary Guidance on Energy.

There are a number of the policies in both the adopted and proposed Local Development Plans that would be relevant to the assessment of a proposed windfarm development at this location. These policies are:

- Policy 1 of both LDPs on Creating Successful Places;
- Policy 4 of both LDPs on Supplying Energy;
- Policy 8 of the adopted LDP and Policy 9 of the proposed LDP on Managing Flood Risk;
- Policy 10 of the adopted LDP and Policy 11 of the proposed LDP on Promoting Sustainable and Active Travel;
- Policy 11 of the adopted LDP and Policy 12 of the proposed LDP on Managing Impact of Development on the Transport Network;
- Policy 14 of the adopted LDP and Policy 15 of the proposed LDP on Green Belt and Countryside;
- Policy 33 of both LDPs on Biodiversity and Geodiversity Natura 2000 sites;
- Policy 34 of the adopted LDP and Policy 35 of the proposed LDP on Trees, Woodland and Forestry;
- Policy 37 of the adopted LDP and Policy 38 of the proposed LDP on Clyde Muirshiel Regional Park;
- Policy 38 of the adopted LDP on Path Network;
- Policy 24 of the proposed LDP on Landscape; and
- Policy 36 of the proposed LPD on Safeguarding Green Infrastructure.

As the windfarm has been constructed and is operational it is not considered necessary to re-assess the principle or the details of the windfarm against the relevant policies of the adopted and proposed Local Development Plans or the supplementary guidance. The principle of the windfarm at this location was accepted when the planning permission was granted on appeal. The proposed extended operational lifetime of the windfarm can be assessed against the relevant policies as follows.

Policy 4 of both the adopted and proposed Local Development Plans relate to supplying energy. The assessment of the various matters referred to in Policy 4 of both Local Development Plans is the same as the assessment of these matters against the equivalent policy of NPF4, ie Policy 11.

Policy 8 of the adopted Local Development Plan and Policy 9 of the proposed Local Development Plan relate to managing flood risk. The wind farm has been fully operational since 2020. Flood risk impacts were assessed when planning permission was granted on appeal and considered to be acceptable. Most impacts in this regard would have been expected during construction of the windfarm and the continued operation of the windfarm is not considered to have implications for flood risk.

Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan relate to promoting sustainable and active travel and managing impact of development on the transport network respectively. In combination these policies promote safe walking and cycling routes. The provision of recreational routes within the windfarm was considered acceptable when planning permission was granted on appeal and the extended operational period would continue the public accessibility of the site for recreational purposes.

Policy 14 of the adopted Local Development Plan and Policy 15 of the proposed Local Development Plan relate to the green belt and countryside. The assessment of the planning permission granted on appeal concluded that the openness of the green belt was not impacted by the development and a particular locational need was demonstrated. As the windfarm is operational and has become an established feature in the landscape it is considered that any impact on the green belt as a result of the extended operational lifetime of the windfarm is acceptable.

Policy 33 of both Local Development Plans relate to biodiversity and geodiversity it was concluded that the development had limited potential to impact negatively on biodiversity when planning permission was granted on appeal. It is considered incumbent on the applicant/operator to continue the Habitat Management Plan and steering group commitments for the extended operational lifetime. The continuing Habitat Management Plan provides a long term improvement to habitat, nature networks and biodiversity and can be addressed by a planning condition should this application be approved.

Woodland removal was considered acceptable when planning permission was granted on appeal. The wind farm is operational and there is no requirement to remove or replace woodland. The extended operational lifetime of the windfarm is not considered to have implications for Policy 34 of the adopted Local Development Plan nor Policy 35 of the proposed Local Development Plan.

Policy 34 of the proposed Local Development Plan indicates developments should take account of local landscape character and setting to preserve, enhance or restore distinctiveness. The impact of the windfarm on the landscape was considered acceptable when planning permission was granted on appeal. The windfarm is operational and has become an established feature in the landscape. No physical changes are proposed to the windfarm in this application and therefore it is considered that any impact on the landscape as a result of the extended operational lifetime of the windfarm remains acceptable.

Policy 37 of the adopted Local Development Plan and Policy 38 of the proposed Local Development Plan relate to developments within the Clyde Muirshiel Regional Park. Development proposals should reflect the aims of the Park's statutory purpose of providing recreational access to the countryside. When planning permission was granted on appeal the windfarm was assessed as providing a net positive contribution to recreational access and having no discernible impact on the qualities of Clyde Muirshiel Regional Park. As the windfarm is operational and has become an established feature in the landscape it is considered that any impact on the Regional Park as a result of extending the operational lifetime of the windfarm remains the same.

Policy 38 of the adopted Local Development Plan relates to the path network. No recreational paths were considered as being impacted when planning permission was granted on appeal, with some additional provision being provided by the windfarm development. No physical changes are proposed to the wind farm in this application and the impacts as previously assessed remain the same.

Policy 36 of the proposed Local Development Plan refers to safeguarding green infrastructure, which states that proposals which provide new or enhanced open spaces will be supported. The definition of green infrastructure includes low carbon infrastructure such as wind energy.

The Supplementary Guidance on Energy was published in 2018 and the planning permission granted on appeal pre-dates the publication of this guidance. The various matters referred to in the guidance have been assessed through the relevant policies of NPF4 and of both the adopted and proposed Local Development Plans. This application to extend the operational lifetime of the windfarm has concluded that such impacts remain acceptable in order to accord with the guidance. This also applies to the draft version of the guidance that has been prepared for the proposed Local Development Plan.

### Representation

The Kilmacolm Civic Trust object on the basis that the application to extend the operational period of the windfarm is premature, in light of technological changes that may occur in the future. It should be noted that Policy 11 of NPF4 has reiterated that wind turbine developments should be viewed as permanent, and that assessments on the suitability of locations for wind energy should be based on the presumption that the development is permanent. The terms of Policy 11 of NPF4 is therefore a significant material consideration in assessing this Section 42 application.

### Overall Conclusion

NPF4 gives support to developments that tackle the climate and nature crises as well as addressing climate mitigation and adaptation. Policies 1 and 2 of NPF4 are significant material considerations in determining this Section 42 application.

The wind farm generates electricity from a renewable source and therefore accords with NPF4. The extended operational lifetime of the windfarm as applied for is considered to accord with Policies 1 and 2 of NPF4 as generating electricity from a renewable source will continue over a longer time period and continue to contribute to meeting the Scottish Government's renewable energy targets. Policy 11 of NPF4 is of relevance to assessing this Section 42 application and in particular indicates that areas identified for windfarms are expected to be suitable for use in perpetuity. The extended operational lifetime of the windfarm therefore complies with the terms of Policy 11 of NPF4 in this regard.

The extended operational lifetime of the existing windfarm is considered to comply with other relevant policies of NPF4, as well as relevant policies of both the adopted and proposed Local Development Plans.

As a new planning decision is required to be issued planning conditions will be necessary as they relate to the extended operational lifetime of the windfarm. In accordance with the advice in Annex G of Scottish Government Planning Circular 3/2022 conditions are necessary and will be similar to the equivalent conditions on the planning permission granted on appeal or the wording is required to be updated to reflect the continued requirement for conditions to be complied with throughout the duration of the extended planning permission.

The amended wording for the condition relating to the operational lifetime of the windfarm suggested by the applicant refers to written confirmation being submitted to the Planning Authority within one month of first export occurring of electricity to the grid network from the first turbines. As the windfarm is already operational this wording is not necessary, and Condition 1 below is considered to be appropriate.

It should be noted there is no legal agreement pertaining to this windfarm. Given the nature of change proposed in this application, it is not considered that it would be appropriate to now require such an agreement, if this Section 42 application is granted.

## **RECOMMENDATION**

That the Section 42 application be granted subject to the following conditions:

1. The permission hereby granted will last for a period of 50 years from the date when electricity was first exported to the electricity grid network from the first of the wind turbines. The permission will expire at the end of the 50 year period unless the Planning Authority has expressly approved an extension in writing. For the avoidance of doubt, the date of first export is accepted as being on 20th November 2020.

2. Upon expiry of the planning permission, as detailed in Condition 1 above, the shall site be restored in accordance with the approved document 'Decommissioning, site restoration and aftercare strategy v4' dated 7th September 2023. Decommissioning in accordance with the approved scheme shall be completed within 12 months of the end of the period of this planning permission or any alternative timescale that has been agreed in writing with the Planning Authority and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved plan and Decommissioning Method Statement shall be implemented as approved and overseen by an Environmental Clerk of Works (ECOW).

3. The windfarm operator shall ensure that the approved bond (ref: 03-1034094671-0) dated 15 August 2019 or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 2 above is maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 2 above. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

4. If any wind turbine stops generating and supplying electricity to the grid for a continuous period of 6 months, it shall be deemed to have ceased to be required unless otherwise agreed in writing by the Planning Authority. Within a further 6 month period a scheme for the removal of the turbine and reinstatement of the site of the wind turbine base and its ancillary equipment and infrastructure or alternatively for the bringing back in to use of the turbine with the agreement of the Planning Authority shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

5. If the development fails to generate electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more of the turbines installed and commissioned, the operator shall immediately notify the Planning Authority in writing and shall, if the Planning Authority directs, decommission the development and reinstate the site in accordance with the terms of Condition 2 above.

6. The wind turbines shall all rotate in the same direction.

7. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines other buildings or structures within the site without a grant of advertisement consent from the Planning Authority.

8. Decommissioning work that is audible from the boundary of any noise sensitive receptor shall take place only between the hours of 08.00 to 18.00 Monday to Friday inclusive and 09.00 to 13.00 on Saturdays, with no working at any time on a Sunday, local or national public holiday. Work that is inaudible from any noise-sensitive property may be undertaken outwith these times, which may include turbine erection and commissioning, maintenance, emergency works, dust suppression and the testing of plant and equipment.

9. The level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty) when calculated in accordance with the attached Guidance Notes, shall not exceed the values set out in the attached Table. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables unless otherwise agreed with the Planning Authority.

10. Within 28 days from the receipt of a written request from the Planning Authority and following a complaint to the Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached Guidance Notes.

11. The windfarm operator shall provide to the Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority unless otherwise extended in writing by the planning authority. Any necessary mitigation works shall then be implemented in full, to the written satisfaction of the Planning Authority and in accordance with timescales that have been agreed by the Planning Authority.

12. The Radar Mitigation Scheme, agreed on 10th November 2017 and subject to an amendment agreement dated 11th March 2024, shall be implemented in full and adhered to at all times for the extended operational lifetime of the windfarm unless otherwise agreed in advance in writing by the Planning Authority and in consultation with Glasgow Airport.

13. No later than twelve months from the date of this decision, an updated Habitat Management Plan based on the Habitat Management Plan approved under Condition 7 of 13/0199/IC and dated October 2020 shall be submitted for the approval in writing by the Planning Authority. The updated Habitat Management Plan shall detail any habitat management required on the site and adjacent to it to ensure appropriate steps are taken to minimise impacts on the habitat. Following approval the Habitat Management Plan shall be implemented throughout the full operational lifetime of the development and shall only come to an end when decommissioning begins.

Reasons:

1. Permission was sought on a temporary period only and requires to be reassessed if it is intended to endure beyond the 50 year period and in the interests of amenity.

2. To ensure that the site is decommissioned appropriately.

3. To ensure that sufficient funds are in place to enable the removal of the turbines and restoration of the site at the end of the operational period.

4. To enable the Planning Authority to retain control over the development, in the interests of visual amenity.

5. To enable the Planning Authority to retain control over the development, in the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. To minimise and control noise and disturbance outwith normal working hours.
9. To protect the amenity at noise sensitive properties.
10. To protect the amenity at noise sensitive properties.
11. To protect the amenity at noise sensitive properties.
12. To ensure that the development does not endanger the safe and efficient movement of aircraft through interference with communication, navigational aids and surveillance equipment.
13. In the interests of protection of the natural environment.

#### SCHEDULE OF NOISE GUIDANCE NOTES

These notes form part of conditions 9 - 11. They further explain these conditions and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind farm. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

#### NOTE 1

a) Values of the LA90,10min noise statistic shall be measured at the complainant's property using a sound level meter of EN 60651/BS EN 60804 Type 1, or EN 61672 Class 1 quality (or the replacement thereof) set to measure using a fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This shall be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the replacement thereof). These measurements shall be made in such a way that the requirements of Note 3 shall also be satisfied. b) The microphone should be mounted at 1.2 - 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the Local Planning Authority), and placed outside the complainant's dwelling. Measurements should be made in "free-field" conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location agreed with the Local Planning Authority. c) The LA90,10min measurements shall be synchronised with measurements of the 10- minute arithmetic mean wind speed and with operational data, including power generation information for each wind turbine, from the turbine control systems of the wind farm. d) The wind farm operator shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10 minute periods from the hub height anemometer located on the site meteorological mast unless otherwise agreed with the Local Planning Authority, to enable compliance with the conditions to be evaluated. The mean wind speed data shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10m height wind speed data which is correlated with the noise measurements of Note 2(a) in the manner described in Note 2(c)

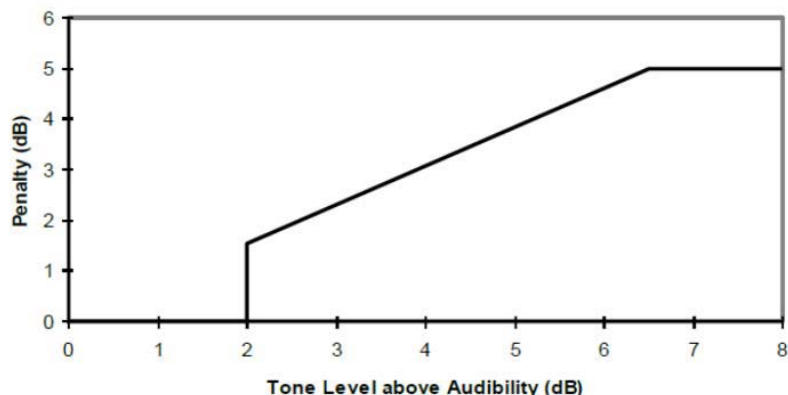


NOTE 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the Local Planning Authority. In specifying such conditions the Local Planning Authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise. At its request the wind farm operator shall provide within 28 days of the completion of the measurements all of the data collected under condition 2 to the local planning authority (b) Valid data points are those that remain after all periods during rainfall have been excluded. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10minute period concurrent with the measurement periods set out in Note 1(c) and is situated in the vicinity of the sound level meter. (c) A least squares, "best fit" curve of a maximum 2nd order polynomial or otherwise as may be agreed with the local planning authority shall be fitted between the standardised mean wind speed (as defined in Note 1 paragraph (d)) plotted against the measured LA90,10min noise levels. The noise level at each integer speed shall be derived from this best-fit curve.

NOTE 3

Where, in the opinion of the Local Planning Authority, noise immissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure shall be used. a) For each 10-minute interval for which LA90,10min data have been obtained as provided for in Notes 1 and 2, a tonal assessment shall be performed on noise immissions during 2- minutes of each 10-minute period. The 2-minute periods shall be regularly spaced at 10- minute intervals provided that uninterrupted clean data are available. Where clean data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported. b) For each of the 2-minute samples the margin above or below the audibility criterion of the tone level difference,  $\Delta L_{tm}$  (Delta Ltm), shall be calculated by comparison with the audibility criterion, given in Section 2.1 on pages 104-109 of ETSU-R-97. c) The margin above audibility shall be plotted against wind speed for each of the 2- minute samples. For samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. d) A linear regression shall then be performed to establish the margin above audibility at the assessed wind speed for each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic average shall be used. e) The tonal penalty shall be derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed shall be calculated as the arithmetic sum of the wind farm noise level, as determined from the best-fit curve described in Note 2, and the penalty for tonal noise.



NOTE 4

If the wind farm noise level (including the application of any tonal penalty as per Note 3) is above the limit set out in the conditions, measurements of the influence of background noise shall be made to determine whether or not there is a breach of condition. This may be achieved by repeating the steps in Notes 1 & 2 with the wind farm switched off in order to determine the background noise, L3, at the assessed wind speed. The wind farm noise at this wind speed, L1, is then calculated as follows, where L2 is the measured wind farm noise level at the assessed wind speed with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

The wind farm noise level is re-calculated by adding the tonal penalty (if any) to the wind farm noise.

**Table of Noise Limits relative to Condition 9.**

Location	Time Period	Standardised 10 m height Wind Speed								
		4	5	6	7	8	9	10	11	12
Northern Dwellings	Night-time	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
	Daytime	35.0	35.0	35.3	36.3	37.3	37.9	38.0	38.0	38.0
Auchentiber	Night-time	43.0	43.0	43.0	43.0	43.0	43.0	44.7	49.0	53.8
	Daytime	35.0	35.7	36.5	37.6	39.5	42.3	46.3	51.9	59.4
Southern Dwellings	Night-time	43.0	43.0	43.0	43.0	43.0	43.0	44.8	50.4	57.3
	Daytime	35.0	35.0	35.3	37.1	39.3	42.0	45.0	48.4	52.1
Whitelees Cottage	Night-time	43.0	43.0	43.0	43.0	43.0	46.5	50.4	54.0	57.1
	Daytime	35.0	35.0	36.3	40.0	43.9	47.7	51.2	54.0	55.8

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Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Colin Lamond on 01475 712422.