

Report To: The Planning Board

Date: 6 November 2024

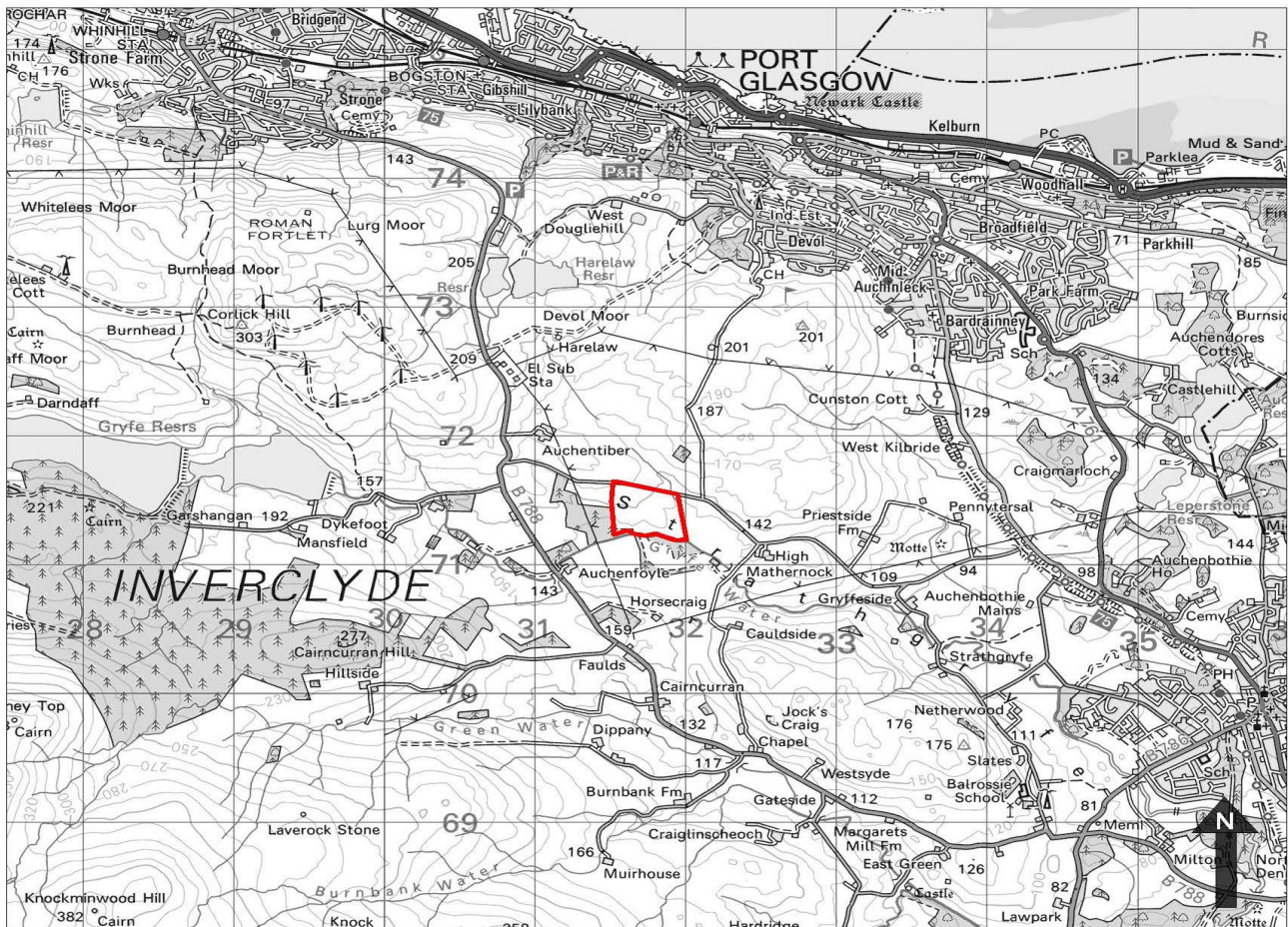
Report By: Director, Environment and Regeneration

Report No: 24/0001/EAA

Contact Officer: Sean Mc Daid

Contact No: 01475 712412

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



(c) Crown copyright. All rights reserved (100023421)(2023)

SUMMARY

- Inverclyde Council was consulted under the Section 36 of The Electricity Act 1989.
- The Scottish Ministers have granted consent under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 to install a battery energy storage system and associated infrastructure with a generating capacity of up to 700MW at land at Auchentiber Road, Port Glasgow.

The application and decision may be viewed at:

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

INTRODUCTION

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

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

The Planning Board on 3rd April 2024 agreed with the recommendation on the consultation on the application to the Scottish Ministers under Section 36 of the Electricity Act 1989 that Inverclyde Council did not object to the proposal and also recommended that the Scottish Ministers attach various conditions to any deemed planning permission that may be granted.

DECISION BY THE SCOTTISH MINISTERS

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

On 11th September 2024 the Scottish Ministers granted under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

The consent granted under Section 36 lasts for a period of forty years from the date of final commissioning

The conditions attached to the Section 36 Consent are as follows.

1. Commencement of development

(1) The Commencement of the Development shall be no later than three years from date of this consent, or such other period as the Scottish Ministers may direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority no later than one calendar month before that date.

Reason: To ensure that the Development is commenced within a reasonable period. And to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

2. Notifications

(1) Written confirmation of the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

Reason: To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.

3. Assignment

(1) The Company must not assign the consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions or refuse the assignment.

(2) In the event that the assignment is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of principal named contact at the assignee and contact details within fourteen days of the consent being assigned.

(3) The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with this condition.

Reason: To safeguard the obligations of the consent if transferred to another company.

4. Serious Incident Reporting

(1) In the event of any breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

Reason: To keep Scottish Ministers informed of any serious incidents which occur, and which may be in the public interest.

5. Design and Operation of Storage Technology

(1) There shall be no Commencement of the Development unless and until details of the Storage Technology and Approved Layout to be implemented, including final details of access and water supply for emergency services, have been submitted to and approved in writing by the Scottish Ministers in consultation with the Planning Authority. The Storage Technology details and infrastructure, including the battery storage units to be deployed, shall be consistent with the Application.

(2) Thereafter, the Development shall be installed and maintained in accordance with the approved details, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

Reason: In the interests of protecting the environment and visual amenity.

The following conditions are attached to the Deemed Planning Permission.

6. Implementation in accordance with Approved Layout and requirements of the section 36 consent

(1) Except as otherwise required by the terms of this consent and deemed planning permission the Development shall be undertaken in accordance with the Application, the planning drawings and all

documentation lodged by the Company or its appointed agents on behalf of the Company in support of the Application. For avoidance of doubt this includes any recommended or proposed measure to avoid, minimise or offset any identified potential impact of the Development which is committed to or recommended in the Application and its constituent assessments.

Reason: To ensure that the Development is carried out in accordance with the approved details.

7. Commencement of development

(1) The Development must be begun not later than the expiration of three years beginning with the date of this consent.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

(3) There shall be no Commencement of Development unless and until details of the phasing of the Development has been submitted to and approved in writing by the Planning Authority. Thereafter the Development shall be implemented in accordance with the approved phasing scheme unless any change is agreed in advance in writing by the Planning Authority.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997 and to ensure that the permission is implemented within a reasonable period and to allow the Planning Authority to monitor compliance with obligations attached to this planning permission as appropriate, and to ensure a properly programmed development.

8. Construction Environmental Management Plan

(1) There shall be no Commencement of Development unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but not be limited to) provisions in respect of:

- a) mitigation measures for potential dust, noise, and vibration impacts on nearby properties;
- b) waste management, pollution control and mitigation;
- c) surface water management;
- d) procedures for monitoring compliance and dealing with any breaches of the approved management plan;
- e) the formation of access from the public road to accommodate construction vehicles;
- f) access geometry, surfacing, and sightlines (this should specify both the construction and post construction access arrangements);
- g) the additional signage on both public roads where access will be taken to inform drivers of the construction vehicles;
- h) details of proposed temporary site compound for storage of materials;
- i) machinery, and designated car parking;
- j) details of a routing plan for deliveries to the Site; and
- k) a timetable for the construction phase including confirmation of site operating times on each day of the week.

(2) The measures set out within the approved CEMP shall thereafter be implemented in full.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment.

9. Financial Guarantee

(1) There shall be no Commencement of Development unless and until a bond or other form of financial guarantee in terms which secure the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 10 is submitted to and approved in writing by the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 10.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 10.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) 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 decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

10. Site Decommissioning, Restoration and Aftercare

(1) The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty years from the date of Final Commissioning. The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed forty-two years from the Date of Final Commissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

(2) No Development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall include measures for the decommissioning of the Development, restoration and aftercare of the Site and will include, without limitation, proposals for the removal of the above ground elements of the Development, confirmation of the status of subterranean elements of the Development (retention, removal, or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) No later than 3 years prior to decommissioning of the Development or the expiration of the consent (whichever is the earlier) a detailed Decommissioning, Restoration and Aftercare Plan, based upon the principles of the approved Decommissioning Strategy, shall be submitted to the Planning Authority for written approval. The detailed Decommissioning, Restoration and Aftercare Plan, will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases); to include the items listed in the CEMP site waste plan.
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;

- d. details of measures to be taken 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;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the Site;
- f. soil restoration;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the Site and the creation and maintenance of associated visibility splays;
- k. details of any watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.
- m. traffic management plan
- n. timetable for decommissioning and restoration, which period shall not exceed two years unless otherwise agreed in writing by the planning authority.
- o. Restoration Layout Plan showing the indicative final restored layout including agricultural grade land and which shall include restoration of the topography which existed prior to the commencement of the Development unless otherwise agreed with the Planning Authority.
- p. The Development shall be decommissioned, the Site restored, and aftercare thereafter undertaken in accordance with the approved detailed decommissioning, restoration and aftercare plan, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the Site, in the interests of safety, amenity and environmental protection.

11. Removal of redundant equipment

(1) The Company shall supply to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. If the battery storage facility fails to import or export electricity to the grid for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, the Company shall no later than one year after the last day of this 12-month period submit the Site Decommissioning, Restoration and Aftercare Plan to the Planning Authority for approval and implement it in accordance with condition 10.

Reason: To ensure that if the Development or part thereof becomes redundant the equipment is removed from the Site, in the interests of safety, amenity and environmental protection.

12. Levels

(1) There shall be no Commencement of Development unless and until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the Site in relation to a fixed datum point have been submitted to and approved in writing by the Planning Authority. Thereafter the Development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

13. Details of design

(1) There shall be no Commencement of Development until final details of the external appearance, dimensions, and surface materials of the security columns, palisade fencing, BESS units, PCS inverter-transformer, Transformer, SPT client control buildings substation building, associated

compounds, any construction compound boundary fencing, and parking areas have been submitted to and approved in writing by the Planning Authority.

(2) The items listed above shall thereafter be constructed and maintained in accordance with the approved details, free from rust, staining or discolouration.

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

14. Planning Monitoring Officer (“PMO”)

(1) There shall be no Commencement of Development unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent, unless otherwise agreed in writing by the Planning Authority.

(2) The terms of appointment shall:

- a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;
- c. Require the PMO to report to the Company and the Planning Authority any incidences of noncompliance with the terms of the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity; and
- d. Monitor any remedial work undertaken due to noncompliance with point c to ensure work undertaken to required standard and in accordance with consent.

(3) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works, unless otherwise agreed by the Planning Authority. The PMO shall be given access to the Site at all reasonable times, and to digital and written records as necessary to fulfil their duties.

Reason: To ensure that the Development is constructed in accordance with the consent.

15. Landscape works

(1) There shall be no Commencement of Development unless and until full details of the proposed landscaping/planting as indicated on the “Landscape Masterplan” (Figure 5B of the Landscape and Visual Assessment) have been submitted to and approved in writing by the Planning Authority. The details shall include the phasing of the planting and a schedule of plants to comprise species, proposed numbers and density. Thereafter the landscaping/planting works shall be carried out in accordance with the approved details and shall be completed no later than the planting season immediately following the first operation of the Development hereby approved. Any planting which, during the lifetime of the Development, is considered by the Planning Authority to be dead, dying, severely damaged, or diseased shall be replaced by planting of a similar size and species to those originally approved.

Reason: In order to ensure the planting is acceptable at this location.

16. Roads

(1) There shall be no Commencement of Development unless and until details of the widening of Auchentiber Road adjacent to the proposed vehicular access to the Site, and as indicated on drawing RHC-23-128-01 Rev A, have been submitted to and approved in writing by the Planning Authority. Following approval, the widening of the road shall be completed no later than the first operation of the Development hereby approved.

(2) For the avoidance of doubt visibility splays of 2.4m by 33m shall be formed in both directions along Auchentiber Road at the vehicular access to the Site and thereafter maintained for the duration of the Development.

Reason: In the interests of roads safety.

17. Drainage

(1) The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water drainage regime shall be incorporated into the Development. There shall be no Commencement of Development unless and until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the Planning Authority. Thereafter the surface water management details shall fully be implemented as approved.

Reason: In the interests of sustainable development.

18. Construction Traffic

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

(2) Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

Thereafter the approved CTMP shall be fully implemented unless otherwise agreed in advance in writing by the Planning Authority in consultation with Transport Scotland.

(3) Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

(4) Prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, function widening, and traffic management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

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

Reason: In the interests of roads safety and to ensure that the transportation of plant and/or materials do not have a detrimental effect on the road and structures along the route, and to minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the Development.

19. Noise and vibration

(1) Noise associated with the construction and decommissioning of the Development including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A below for the times shown. At all other times noise associated with construction/decommissioning operations shall be inaudible at any sensitive receptor. For the avoidance of doubt, sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Table A: Construction Noise Limits Day Time Average Period Noise Limit

Day	Time	Noise Limit
Monday – Friday	07:00 – 08:00	60 dBA Leq (1 hr)
Monday – Friday	08:00 – 18:00	70 dBA Leq (10 hrs)
Monday – Friday	18:00 – 19:00	60 dBA Leq (1 hr)
Saturday	07:00 – 08:00	60 dBA Leq (1 hr)
Saturday	08:00 – 13:00	70 dBA Leq (5 hrs)

Reason: In the interests of safeguarding the amenities of occupants of noise sensitive properties during the construction and decommissioning of the Development.

(2) Noise from all operational activities within the Development site shall not exceed 31 dB L_{Ar,Tr} as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(3) All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with the windows open at least 50mm, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(4) In the event of a justified noise complaint being received by the Planning Authority the Company shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 4, 5 and 6 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(5) Vibration levels associated with the construction of the Development shall not exceed the following limits:-

- a. 1mms-1 PPV at existing residential or educational properties
- b. 3mms-1 PPV at existing commercial or industrial properties

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(6) Prior to the operation of the battery energy storage system hereby consented a revised Noise Impact Assessment (NIA) shall be submitted to and approved in writing by the Planning Authority. The NIA report shall include details of the specified plant to be installed and any required noise control measures to ensure that operational noise levels from the Development will be below the noise level limits detailed in this condition. Thereafter the Development shall only be operated in accordance with the approved NIA and any identified control measures for the lifetime of the Development.

Reason: In the interests of the amenities of occupants of nearby sensitive properties.

20. Lighting

(1) There shall be no Commencement of Development unless and until details of external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) has been submitted to an approved in writing by the Planning Authority.

Reason: To ensure the external lighting is acceptable and to avoid dazzling drivers of vehicles using the public roads network.

21. Archaeological works

(1) There shall be no Commencement of Development within the Site unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, which has been submitted by the Company and approved in writing by the Planning Authority. Thereafter the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken in accordance with the agreed programme.

Reason: In order to identify and protect any archaeological remains.

22. Landscaping and fill materials

(1) There shall be no Commencement of Development unless and until a Material Management and Verification Plan has been submitted for approval in writing by the Planning Authority. This shall include details of all deposits reused or imported for fill and landscaping. The details of any imported fill/landscape materials shall be demonstrated suitable for the corresponding intended function. The type of information provided in the verification plan shall include the material function, origins, volume, chemical characteristics (including soil-leachate and geotechnical analysis as required), with placement plans and thickness of deposit.

Reason: To sustainably manage and protect soil resources and ensure quality of any imported materials in the interests of human health and environmental protection.

23. Unrecorded contamination

(1) 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 works should cease until a Remediation Scheme has been submitted to and approved in writing by the Planning Authority, and has been implemented.

Reason: To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

RECOMMENDATION

That the Board notes the decision made by the Scottish Ministers.

Stuart W Jamieson
Director
Environment and Regeneration

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