

# Agenda



## Planning Committee

**Date:** Wednesday, 8 May 2024

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**Time:** 10.00 a.m.

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**Venue:** Council Chambers, Clydebank Town Hall, 5 Hall Street,  
Clydebank G81 1UB.

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**Contact:** Nicola Moorcroft, Committee Officer  
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Dear Member

Please attend a Special meeting of the **Planning Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

**PETER HESSETT**

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)  
Councillor Gurpreet Singh Johal (Vice Chair)  
Councillor Ian Dickson  
Councillor Daniel Lennie  
Provost Douglas McAllister  
Councillor June McKay  
Councillor Karen Murray Conaghan  
Councillor Chris Pollock  
Councillor Hazel Sorrell  
Councillor Sophie Traynor

All other Councillors for information

Date of Issue: 24 April 2024

**PLANNING COMMITTEE**  
**WEDNESDAY, 8 MAY 2024**

**AGENDA**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

Members are invited to declare if they have any interests in the items of business on this agenda and the reasons for such declarations.

**3 OPEN FORUM**

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**4 MINUTES OF PREVIOUS MEETING 5 - 19**

Submit for approval, as a correct record, the Minutes of the Meeting of the Planning Committee held 17 April 2024.

**5 NOTE OF VISITATIONS 21**

Submit, for information, Note of Site Visitations carried out on 15 April 2024.

**6 SCOTTISH GOVERNMENT CONSULTATIONS: 23 - 56  
INVESTING IN PLANNING; MASTERPLAN CONSENT  
AREAS; AND DEVELOPMENT PLAN AMENDMENTS**

Submit report by the Chief Officer – Regulatory and Regeneration seeking agreement to submit responses to various Scottish Government consultations on proposed planning regulations and changes to how the planning system is resourced.

**7/**

<b>7</b>	<b>CONSTRUCTION AND OPERATION OF A 560MW BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE, SUBSTATION, SECURITY FENCING, CCTV, SECURITY LIGHTING AND LANDSCAPING ON LAND AT COCHNO ROAD, BEARSDEN, EAST DUNBARTONSHIRE - SECTION 36 APPLICATION TO SCOTTISH GOVERNMENT ENERGY CONSENTS UNIT REF: ECU00004982</b>	<b>57 - 73</b>
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Submit report by the Chief Officer – Regulatory and Regeneration to agree a response to a consultation received from the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers regarding a proposal for the construction and operation of a 560MW Battery Energy Storage System with associated infrastructure, substation, security fencing, CCTV, security lighting and landscaping.

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## PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Civic Space, Council Offices, 16 Church Street on Wednesday, 17 April 2024 at 10.00 a.m.

**Present:** Councillors Ian Dickson, Gurpreet Singh Johal, Daniel Lennie, June McKay, Karen Murray Conaghan, Lawrence O'Neill, Chris Pollock, Hazel Sorrell and Sophie Traynor.

**Attending:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager; James McColl, Development Management Team Leader; Amy Melkevik, Lead Planning Officer; Nigel Ettles, Principal Solicitor and Nicola Moorcroft, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister.

**Councillor Lawrence O'Neill in the Chair**

### DECLARATIONS OF INTEREST

Councillor Ian Dickson declared an interest in item DC23/120/FUL: Erection of decking (retrospective) at 57B Broomhill Crescent, Bonhill, Alexandria by Mr John Graham, being an adjacent resident and having been approached by both the applicant and an objector regarding this planning application. Councillor Dickson left the meeting during consideration of this item.

### OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

### MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 13 March 2024 were submitted and approved as a correct record.

### PLANNING APPLICATIONS

Reports were submitted by the Planning, Building Standards and Environmental Health Manager, in respect of the following Planning applications:-

- (a) **DC23/211/PPP: Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure (in principle) at site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group.**

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was heard in further explanation, and in answer to Members' questions.

The Chair invited Mr Ryan McTeggart (Applicant's Agent) to address the Committee. Mr McTeggart was heard in respect of the application and in answer to Members' questions.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation, and in answer to Members' questions, the Committee agreed to refer the application to full Council for determination, with a recommendation to grant planning permission, in principle, subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto.

Having previously declared an interest in the next item, Councillor Dickson left the meeting at this point.

- (b) **DC23/120/FUL: Erection of decking (retrospective) at 57B Broomhill Crescent, Bonhill, Alexandria by Mr John Graham**

Reference was made to a site visit which had been undertaken in respect of the above application. The Lead Planning Officer Planning and the Development Management Team Leader were heard in further explanation and in answer to Members' questions.

The Chair invited Mr William Cochrane, objector, to address the Committee. Mr Cochrane was heard in respect of the application and in answer to Members' questions.

The Chair invited Mr John Graham, Applicant, to address the Committee. Mr Graham was heard in respect of the application and in answer to Members' questions.

## **ADJOURNMENT**

The Chair adjourned the meeting for a short recess. The meeting reconvened at 11.46 a.m. with the Elected Members listed in the sederunt present, excluding Councillor Ian Dickson.

The Committee agreed to grant planning permission subject to the condition 2 set out Appendix 2 hereto and amend condition 1 to read as follows:

Notwithstanding the approved plans, the applicant and Planning Officers will work collaboratively to reach a mutual agreed solution regarding the planter(s) on the upper deck but ensuring that the upper tier is not to be used, other than for access to woodland.

Councillor Dickson rejoined the meeting at this point.

## **STREET NAMING AND NUMBERING POLICY**

A report was submitted by the Planning, Building Standards and Environmental Health Manager, requesting agreement to an addition of a name bank to the street naming policy and allow consideration of street names to be named after a departed individual.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, the Committee agreed the new street naming and numbering policy contained in Appendix 2 of the report and the suggested names, within the name bank, contained in Appendix 3 of the report.

## **VALEDICTORY PAMELA CLIFFORD – PLANNING, BUILDING STANDARDS AND ENVIRONMENTAL HEALTH MANAGER**

Councillor Lawrence O'Neill, Chair, provided the following valedictory, as this would be the last meeting of the Planning Committee Pamela would be attending before she moves onto a new role at East Ayrshire Council:

Pamela joined the Council in December 2006 as Development Management Section Head. In 2012 she became Planning and Building Standards Manager, more recently picking up Environmental Health along the way.

Pamela has always had a real focus and ambition in delivering the highest quality new developments, being bold and really pushing forward the regeneration of the area. This includes our key waterfront regeneration sites at Queens Quay, where she has been pivotal in what has been achieved there to date. More recently, we had the former Exxon site begin to progress and the Scottish Marine Technology Park, on the Carless site, recommended for approval at full council, both of which Pamela has been key in progressing.

Pamela has consistently driven up the quality of design; introducing and developing the Council's Place and Design Panel, which was a very bold approach within a small authority covering some quite deprived areas. The success has been clear to see, with the quality of the new developments we have seen on the ground, including a variety of residential developments, the new Renton Campus and recently approved Faifley Campus.

There has, of course, been controversial sites and developments that Pamela has taken us through the journey of, the Duntiglennan site being at the top of that list.

Pamela has also overseen the development of both the LDP1 and LDP2, although issues surrounding the aforementioned Duntiglennan site thwarted their eventual adoption.

Finally, Pamela steered us through the challenges of the COVID pandemic, successfully keeping the planning wheels turning.

Overall, Pamela has achieved a huge amount for West Dunbartonshire and will be very much missed. Our loss is very much East Ayrshire's gain.

Councillor Karen Murray Conaghan wished Pamela the very best of luck in her new role. She hoped Pamela was looking forward to the new challenge but also that she would look back at her time at West Dunbartonshire Council with fondness.

Councillor Gurpreet Singh Johal also wished Pamela well in her new role and thanked her for all her support to him personally and the Planning Committee.

In response, Pamela thanked everyone for their kind words. She thanked current and previous Chairs and Vice Chairs and members of the Planning Committee for their support; the relationship between Officers and Elected Members has been exceptional, all working towards a common goal of making a difference to the area. It always being a real team effort.

Pamela thanked everyone at the Council for her seventeen and a half years of service and is looking forward to seeing the completion of new developments in West Dunbartonshire.

The meeting closed at 12.06 p.m.



**DC23/211/PPP: Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure (in principle) at site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group.**

**GRANT full planning permission subject to the following conditions:-**

1. Prior to the commencement of works associated with any part of the development (apart from remediation works approved under DC18/245) and unless otherwise agree in writing by the Planning Authority, applications for the approval of matters specified in conditions shall be accompanied by:-
  - (a) All proposed development platform(s);
  - (b) Full site layout details showing the position of all buildings, roads, access arrangements, parking areas, footpaths, green corridors, open space, boundary treatments (inclusive of any walls, fences and gates) and drainage infrastructure;
  - (c) Notwithstanding (b) above, full details of the upgrade to Erskine Ferry Road within the application site boundary;
  - (d) Block and layout plans showing existing, proposed and finished floor levels and elevations of each building, showing dimensions, and palettes of external materials;
  - (e) Details of existing and proposed site levels;
  - (f) Any submissions that include proposals for buildings will provide details of all parking provision associated with them inclusive of electric vehicle charging points, cycle parking, shelter and storage provision, shower, changing and drying facilities and any other facilities and measures which promote and support active and sustainable travel;
  - (g) Landscape and streetscape plans showing the locations and species of all proposed trees, shrubs, hedges, palettes of hard landscaping materials and street furniture;
  - (h) Details of the management and maintenance of all landscaping and planting identified in (g) above;
  - (i) Details of all existing trees or hedging to be retained;
  - (j) Surface Water Drainage arrangements and Sustainable Drainage arrangements;

- (k) Details of the disposal of sewerage;
  - (l) Full details showing the connection of all proposed buildings to fibre optic networks; and
  - (m) Sustainability Implementation Plan.
2. Prior to the submission of the first application for the approval of matters specified in condition submitted under Condition 1 above, a design guide to establish the principles for the design and locations of buildings/structures, street furniture, railings, bollards, signage, bins, substations, generators and cycle parking shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, each application for approval of matters specified in conditions submitted under Condition 1 above shall demonstrate adherence to this design guide. For the avoidance of doubt, this shall include adherence to the design principles of the approved Design and Access Statement dated June 2023.
  3. All applications for the approval of matters specified in condition details submitted under Condition 1 above shall follow the approach of the masterplan and phasing plan approved under this permission unless otherwise agreed by the Planning Authority.
  4. Notwithstanding condition 3 above, all applications for matters specified by condition submitted under Condition 1 above shall include an up-to-date phasing plan for the entire application site showing the relevant phases and anticipated timescales for the development of each phase, and the inter-relationship of the phases.
  5. The uses hereby permitted within the application site are Use Class 4 (business and light industry and Use Class 5 (general industry), together with ancillary Use Class 3 (Food and Drink) and Use Class 10 (restricted to an interpretation centre and a nursery/creche only). For the absolute avoidance of doubt, the approved uses within Use Classes 4 and 5 of the Town and Country (Use Classes) Scotland Order 1997 (as amended) and as may be subsequently amended or superseded, relate solely to marine engineering and marine renewables fabrication, research and development, and associated uses (water compatible or essential infrastructure) and are as specified in Section 3.3.1 of the submitted Planning Statement dated October 2023. Any changes in the approved use within the specific Use Class Order or to other classes of the Use Classes Order will require the submission of a further application for planning permission.
  6. In terms of Conditions 1 and 5 above, the appropriate minimum finished floor levels shall be as outlined in the submitted Flood Risk Assessment (FRA) (dated October 2023) for the proposed uses unless otherwise agreed by the Planning Authority. The proposed uses which are assessed as water compatible or essential infrastructure shall be at a lower elevation – likely to be 5.27m AOD. The appropriate finished floor level which are assessed as non-water compatible or essential infrastructure uses and equates to the

1:200 plus climate change plus freeboard level of 6.17m AOD. Safe access/egress shall be provided for any elements of development on site that is not assessed as 'water compatible' or 'essential infrastructure' i.e. the interpretation centre, nursery/creche and café and any other use within Class 3 and 10 of Use Classes (Scotland) Order 1997 shall be provided at an elevation of >5.33m AOD.

7. As part of any application for the approval of matters specified in conditions, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Planning Authority. This Plan shall include works to enhance the Local Nature Reserve and the timing of works to negate the impact on amphibians. The approved Landscape and Ecological Management Plan including any measures which shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for this approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
8. Unless otherwise agreed in writing by the Planning Authority, as part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, a supporting report which evidences how the relevant development proposals complies with and delivers the requirements and aims of the 'Landscape and Ecological Management Plan' section of the Design Guide, approved under Condition 2 above.
9. As part of any application of the approval of matters specified in condition , unless otherwise agreed with the Planning Authority, a Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include measures aimed at ensuring that the areas of Special Protection Area adjacent to the application site boundary are not adversely affected by pollution, run-off both during and after the construction phase of the development. The CEMP shall also set out details of the schedule of works, including how it will be sought to schedule all work, and especially those elements of construction with the highest potential for noise and vibrational disturbance eg piling to the least sensitive summer period from 16 March to 15 September. The timetable shall set out how the construction works will be programmed to minimise noise and vibration generation during the months of September to March inclusive and associated disturbance on wintering redshank and other qualifying features of the Inner Clyde Special Protection Area. The agreed mitigation measures of CEMP shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required for the approved CEMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
10. No development shall be undertaken on site between the months of September to March inclusive until an acoustic/visual screen barrier has been installed along the boundary between the Inner Clyde Special Protection Area (SPA) and the area proposed for development works within the application

site. Prior to its erection, details of the proposed screen barrier including its location, extent, design and level of obscurity shall be submitted to, and approved in writing by the Planning Authority. The approved screening barrier shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved screening barrier shall remain in place and maintained for when construction works are taking place within the part of the site impacting the SPA. For the avoidance of doubt, these barriers shall be sufficient to ensure that site operatives working on site are fully screened from any wader species feeding within the SPA boundary out to a distance of 150 metres from the works.

11. Notwithstanding the terms of Conditions 9 and 10 above, where work is unavoidably during the sensitive wintering period of the months of September to March inclusive and it is not practical or possible to pre-install acoustic and visual screen barriers between the works and SPA then a suitability qualified independent Ecological Clerk of Works shall be appointed by the developer/applicant to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Inner Clyde Special Protection Area and other ecological designations. The Planning Authority shall be notified in writing once this person has been appointed. Thereafter, the EcoW shall remain in place for the duration of the construction works associated with that part of the development and shall be kept adequately informed of scheduling proposals and will be invested with sufficient authority to halt or postpone any and all relevant works until such times as they have confirmed no Redshank or other wildfowl are feeding on the SPA out to a distance of 150 metres of the works concerned, unless otherwise agreed with the Planning Authority.
12. Prior to the submission of the first application for the approval of matters specified in conditions submitted under Condition 1 above, a Lighting Strategy shall be submitted to and approved in writing by the Planning Authority. Thereafter, all application for the approval of matters specified in conditions submitted under Condition 1 above shall demonstrate compliance with the approved Lighting Strategy. The Lighting Strategy shall provide specific confirmation that night lighting will be avoided during the months of September to March inclusive where such lighting would illuminate areas of inter-tidal habitat of the Inner Clyde Special Protection Area (SPA) to levels in excess of 1 Lux (i.e. the maximum natural night-time background light level). It shall take into account all of the lighting needs associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid dazzle or distract drivers on nearby roads. The approved strategies and lighting scheme, including any mitigation measures shall be implemented on site and shall remain in place for the duration of the construction and operational phase of the full re-development of the site, and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for these approved strategies shall first be

subject to the written approval of the Planning Authority and implemented thereafter as approved.

13. No development or construction activity including the temporary use of plant or storage of materials shall take place within the application site boundary which overlaps with the SPA or at any location within the SPA designation.
14. As part of any applications for approval of matters specified in conditions submitted under Condition 1 above, and with regard to the requirements of condition 1 above, up-to-date ecology surveys inclusive of all protected species insofar as required in relation to the area of proposed development and associated ecological features shall accompany development proposals within the site. These surveys shall be carried out by a suitable qualified ecologist at the appropriate time of year and will be provided to update the baseline information provided through the Environmental Statement and ecological surveys provided as part of this application. Furthermore, should the results of such surveys show them to be necessary, any such applications shall also be accompanied by the relevant species protection plans to identify any license requirements.
15. As part of the submission of any application for approval of matters specified in condition under Condition 1 above, it shall be demonstrated that the areas where otter are identified to lie-up are maintained in the detailed design of the development.
16. Unless otherwise agreed in writing by the Planning Authority, as part of the submission of any application for approval of matters specified in condition under Condition 1 above an Otter Protection Plan shall be submitted to and approved by the Planning Authority and any mitigation measures arising from the Plan shall be implemented as approved.
17. Prior to the commencement of any piling on site, a method statement setting out how a 'soft start' piling methodology will be implemented on site in order to ensure that marine mammals, particularly harbour porpoises, are not impacted by 'full impact strikes'.
18. No removal of trees and vegetation shall take place during the bird nesting season March to September inclusive unless first agreed in writing by the Planning Authority, and a nesting bird survey shall be undertaken not more than 48 hours prior to the commencement of site clearance works, the findings of which shall be submitted and agreed by the Planning Authority.
19. As part of the first application for the approval of matters specified in conditions under Condition 1 above, an Energy Strategy for the site shall be submitted for the approval of the Planning Authority. The Energy Strategy shall include details for the delivery and implementation of on-site low carbon and renewable energy solutions, building specific technologies and features alongside any other measures aimed at increasing energy efficiency on the site. The approved strategy including any agreed measures shall be implemented on site and unless otherwise agreed in writing by the Planning



Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved. All subsequent applications for matters specified by condition under Condition 1 above shall demonstrate adherence to the agreed approach.

20. As part of any application of the approval of matters specified in condition 1 above, unless otherwise agreed with the Planning Authority a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The approved CTMP including any mitigation measures shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required for the approved CTMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
21. Prior to the occupation of any part of the site, a site wide Travel Plan including measures to minimise the impact of traffic and to promote sustainable and active travel choices for staff and visitors shall be submitted to and approved in writing by the Planning Authority. The approved Travel Plan including any agreed measures shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved Travel Plan shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
22. Prior to the occupation of any part of Phase 2C on the approved phasing plan, the works associated with the upgrading and widening of the existing private section of Erskine Ferry Road to facilitate two-way traffic with a 2 metre continuous shared footpath/cycleway on one side of the new road shall be fully completed. An emergency access shall also be formed along southern east boundary of the site with the Dalmuir bonded warehouses and fully completed to the satisfaction of the Planning Authority prior to the occupation of any part of Phase 2C.
23. Prior to submission of any application for the approval of matters specified in conditions a detailed report on the nature and extent of any contamination for that phase shall be submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
  - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
  - b) An assessment of the potential risks (where applicable) to:
    - human health
    - property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes

- groundwater and surface waters
  - ecological systems
  - archaeological sites and ancient monuments
- c) An appraisal of remedial options, including a detailed remediation strategy based on the preferred option.
24. That unless otherwise first agreed in writing by the Planning Authority, no development (other than investigative works) shall commence on any phase until such time as a detailed Remediation Scheme for that phase has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for its intended use. The scheme shall include method statements with details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The completion of the remediation works shall mitigate the risks that resulted in the site being identified as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
25. The approved Remediation Scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site.
- Upon completion of the remediation works, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Local Planning Authority
26. Prior to development of each phase an updated Remediation Statement, as defined in Section 78H(7) of Part IIA of the EPA 1990, shall be submitted and approved by Planning Authority and by SEPA as the Enforcing Authority of the Special Site. This statement will confirm that the remediation proposed under DC18/245 has been completed and will also detail the remediation actions that are being, have been, or are expected to be, done across the remainder of site as well as the time periods within which these things were/are being/will be done.
27. If the Remediation Plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved in writing by the Planning Authority. Any actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

28. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken, and an amended Remediation Scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
29. If there is a requirement to either re-use site won material or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm within landscaped areas shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.
30. Unless otherwise agreed by the Planning Authority, no works shall take place on site until such time as a noise / vibration impact assessment has been submitted to and approved in writing by the Planning Authority. This assessment shall include an assessment of the potential for the proposed use to cause noise / vibration nuisance affecting nearby properties. Where potential disturbance is identified, proposals for the attenuation of that noise / vibration shall be submitted to and approved in writing by the Planning Authority. Any such approved attenuation scheme shall be implemented prior to the works commencing and shall thereafter be retained in accordance with the approved scheme. Should the approved attenuation scheme impose restrictions upon the way in which operations on the site are carried out, the site shall be operated in this manner unless otherwise approved in writing by the Planning Authority. The assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.
31. Unless otherwise agreed by the Planning Authority. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.



32. During works and any ancillary operations (including piling) which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

Mondays to Fridays:	0800-1800
Saturdays:	0800-1300
Sundays and public holidays:	No working

33. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
34. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
35. Unless otherwise agreed by the Planning Authority, and prior to the commencement of development on site an air quality impact assessment in accordance with the Environmental Protection UK guidance document "Development Control: Planning for Air Quality 2017" shall be submitted to and approved by the Planning Authority. The findings of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.
36. Prior to the commencement on any development on site, details of measures to protect retained trees and areas of woodland on the site during construction shall be submitted to and approved in writing by the Planning Authority. The details shall include specific details for the establishment of buffer zones for the protection of trees and area of woodland along and within the site boundary. Thereafter, unless otherwise agreed in writing by the Planning Authority, the approved measures shall be implemented and shall remain in place for the duration when construction works are taking place on site.
37. Any application for matters specified by condition submitted under Condition 1 above that proposes buildings or structures exceeding 15 metres in height shall specifically identify full details of the location, height, layout, form and materials of any such buildings and structures exceeding 15 metres above

ground level to allow a full assessment of these details in consultation with Glasgow Airport.

38. As part of any application of the approval of matters specified in condition 1, unless otherwise agreed with the Planning Authority a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of: management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.
39. No development shall take place in any phase until full details of soft and water landscaping works shall be submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 ‘Potential Bird Hazards from Amenity Landscaping & Building Design’ (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)). These details shall include:
- The species, number and spacing of trees and shrubs.
  - Drainage details including SUDS – Such schemes must comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable urban Drainag Schemes (SUDS) (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp) ).
- No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The scheme shall be implemented as approved.
40. No buildings shall be constructed within the Health and Safety Executive consultation zone associated with the adjacent Dalmuir bonded warehouses.

**DC23/120/FUL: Erection of decking (retrospective) at 57B Broomhill Crescent, Bonhill, Alexandria by Mr John Graham.**

**GRANT full planning permission subject to the following conditions:-**

1. Notwithstanding the approved plans, the planter located on the upper deck as detailed in drawing PL-806-01 Rev B Original, Existing and Proposed Site Plans & Sections, shall be created within 8 weeks of the granting of this permission. Thereafter the planter shall remain in place upon the deck for the lifetime of the development; and
2. Notwithstanding the approved plans, the boundary screen fence as detailed in drawing PL-806-01 Rev B 'Original, Existing and Proposed Site Plans & Sections', shall be erected within 8 weeks of the granting of this permission, with the final design and location details agreed in writing with the Planning Authority prior to erection. Thereafter the boundary fence shall remain in place upon the deck for the lifetime of the development.



**PLANNING COMMITTEE****NOTE OF VISITATIONS – 15 APRIL 2024**

**Present:** Councillors Karen Murray Conaghan and Chris Pollock.

**Attending:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager and James McColl, Development Management Team Leader.

**SITE VISITS**

Site visits were undertaken in connection with the undernoted planning applications:-

**Site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group**

**DC23/211/PPP:** Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure (in principle) by Malin Property Group.

**57B Broomhill Crescent, Bonhill, Alexandria**

**DC23/120/FUL:** Erection of decking (retrospective) by Mr John Graham



## WEST DUNBARTONSHIRE COUNCIL

### Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 8<sup>th</sup> May 2024

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**Subject: Scottish Government Consultations: Investing in Planning; Masterplan Consent Areas; and Development Plan Amendments**

#### 1. Purpose

- 1.1 To seek the agreement of the Committee to submit responses to various Scottish Government consultations on proposed planning regulations and changes to how the planning system is resourced.

#### 2. Recommendations

- 2.1 It is recommended that the Committee agree the proposed Council responses set out in Appendix 1 (Investing in Planning), Appendix 2 (Masterplan Consent Areas Regulations: Consultation) and Appendix 3 (Development Plan Amendment Regulations: Consultation).

#### 3. Background

- 3.1 The Planning (Scotland) Act 2019 has introduced new changes and responsibilities to the planning system in Scotland. The Scottish Government published the following consultation documents:
- [Investing in Planning – A Consultation on Resourcing Scotland's Planning System](#) (31 May 2024) - In response to current resourcing challenges as well as new aspects of the planning system, it sets out proposals to improve capacity and build resilience within planning authorities
  - [Masterplan Consent Area Regulations: Consultation](#) (22 May 2024) - are a new upfront consenting mechanism for development proposals, which remove the need for planning and other consent applications.
  - [Development Plan Amendment Regulations: Consultation](#) (22 May 2024) - With the new 10 year review period for the National Planning Framework and Local Development Plans, the 2019 act introduced a mechanism for these plans to be amended between full review cycles.

## 4. Main Issues

### Investing in Planning Consultation

- 4.1 The Scottish Government is committed to working with stakeholders to ensure the planning system is better equipped to deal with current and future challenges. They recognise that there is a need to build capacity and skills to enable good quality development that improves places, benefits our quality of life and helps to grow a wellbeing economy and transition to net zero. The investing in planning consultation contains proposals seeking to address the resourcing challenges faced by local planning authorities, and new aspects of the planning system, such as Masterplan Consent Areas. The proposals contain a mix of short-term solutions and building long term resilience. Below is a summary of the key proposals within the consultation and the views expressed to those proposals in the Council's consultation response in Appendix 1 of this report.
- 4.2 **The proportionality of assessments:** Stakeholders have raised concerns about the level of information required to support planning applications and demonstrate that they meet the requirements of NPF4. Applicants have reported requirements differing significantly between authorities, potentially increasing the time and cost to applicants, authorities and communities in evaluating evidence. The Chief Planner is looking to set up a short life working group to contribute expertise and share examples of proportionate approaches. The consultation asks if any assessments might benefit from improved proportionality. The recommended response does not suggest specific assessments but supports sharing of best practice and a more standardised approach to assessments would be beneficial.
- 4.3 **Use of processing agreements:** The consultation asks about use and effectiveness of planning processing agreements in giving greater understanding and certainty to all parties of decision-making timescales. In West Dunbartonshire the Planning Service frontload all major and significant applications which has resulted in major application timescales being well below the Scottish national average. The Service do not tend to use processing agreements, but have developed a Pre-Application Framework instead, which is a more informal, flexible tool and includes public engagement, elected member engagement and the Place and Design Panel. There is no requirement to use a processing agreement if detailed pre application discussions take place as all the issues are understood upfront by applicant and officers and can be addressed together with early consultee comments. It is considered that a processing agreement would just add a further level of bureaucracy.
- 4.4 **Streamlining, alignment and standardisation:** This section suggests providing standardised templates for Section 75 agreements, improved cross council working to align different consents, and asks for any other



suggestions for streamlining, alignment or standardisation. The recommended response states certain types of smaller applications, such as householder applications, have similar issues and requirements. Standardised approaches to these types of developments may be helpful in speeding up the processing of these types of applications. A standardised template for Section 75 agreements would also be helpful.

- 4.5 Skills, Recruitment and Retention:** There is a challenge in recruiting and retaining planners, especially in the public sector, due to the lack of resources, and a general shortage of experienced planners. Additional demands on the skills pool, such as the increased complexity of applications and demand from other sectors, such as energy, are also contributory factors. The response highlights that specialist skills are lacking within local authorities, as they have been lost over time due to resource challenges. Specific subject areas include landscape, heritage, urban design and ecology. The response also highlights other actions that could be taken to address skill shortages, such as upskilling existing local government staff, and investigating the opportunities to support other built environment professionals (e.g. architects or surveyors) to move into planning. Whilst it is recognised that good progress is being made to encourage school leavers to join the profession through the joint work of the Scottish Government, RTPI and HOPS through bursaries and this will assist the profession in the future, more needs to be done to address the lack of experienced planners at present which can disproportionately affect smaller planning authorities. Whilst the larger planning authorities can upskill existing staff this can be difficult in a smaller Local Authority where focus can be in processing of applications to achieve good performance levels and deliver development on the ground.

- 4.6 Establishing a central planning hub to support planning authorities:** The consultation suggests that a Planning Hub would provide a central pool of staff or specialists local authorities could be called upon when needed. This could help to provide capacity, increase resilience, and allow better access to specialists in local authorities. The idea is very similar to the Building Standards Hub. The recommended response supports in part the idea, which could be of benefit to smaller planning authorities, like West Dunbartonshire, which has less resilience to the loss of staff and less resources to engage specialists. However, at this stage more information is required about how it would operate and costs. There is also some concern the hub may recruit some planning officers from local authorities thus causing more difficulties. The response also suggests a number of specialisms would be beneficial to have within the hub and suggests the hub could be hosted by the Improvement Service, which has an established relationship with local authorities and would be a natural extension to some of the services they provide. An increase to planning fees would be the most straightforward way to fund the hub, however any

funding proposal would need to be consistent with the Verity House Agreement and again further details would be required before commitment.

- 4.7 Planning fees:** The consultation proposes a number of changes to planning fees to provide more resources directly to local authorities. Devolving power to set planning fees to local authorities is proposed but it is not supported in the response. Setting fees locally would likely be complex and time consuming to implement. It could also lead to disagreements between authorities and developers, which would be unproductive, lead to longer timescales, and increase uncertainty. The consultation also proposes an annual inflationary increase to planning fees, which is supported and it is recommended that this should be implemented now.
- 4.8** The consultation proposes that local authorities could increase discretionary fees on sites not allocated in the local plan. The proposed response supports this proposal on the basis that sites allocated in the plan have already undergone a degree of assessment and scrutiny, whereas an unallocated site has not. It is also proposed to introduce fees for appeals and Local Review Bodies. The recommended response supports this measure due to the time and resource responding to an appeal, or running a Local Review Body requires. However, the response does suggest that a fee higher than that proposed in the consultation (between 10% and 40%) might be more appropriate.
- 4.9** The consultation proposes introducing a fee category for hydrogen projects, increased fees for prior notifications and approval categories, which is supported. Introducing a fee for using the online planning and building warrant portal is also proposed. The response does not agree with this proposal. A fee for the use of the portal on top of planning fees, may leave applicants feeling they are paying for their application twice. Charging for the portal through planning fees would effectively pass the cost onto local authorities. A fee may also discourage applicants from using the portal, which is usually the most efficient way to receive and process applications.
- 4.10 Energy application threshold:** Changing the 50MW threshold for energy applications to be determined by local authorities is supported, as it would give a greater level of local control over these projects and the local authority would receive the full planning fee on proposals above 50MW, where they currently only receive half. It would also alleviate pressures on the Energy Consents Unit.
- 4.11 Prioritisation:** The consultation asks which actions should be prioritised. The response supports prioritising increasing fees with inflation and charges for prior notifications and approval and guidance for the policies of

NPF4. Throughout the response, it has been highlighted that many of the resource issues faced by planning authorities are due to wider local authority and public sector resource challenges. It is not just planning services that are responsible for a well-functioning planning system. Other local authority services (e.g. roads, housing, green space, communities) also contribute to planning and they are challenged by the availability of resources. The broad range of policies in NPF4 has put more pressure on these services which need to be adequately resourced, otherwise the planning process will be slowed down. The same applies to Key Agencies, who are not able to provide the level of support they once were. More adequate funding for other services of local authorities and the public sector (such as fees) should also be considered.

#### Masterplan Consent Areas (MCAs)

- 4.12** MCA schemes will front-load consenting, by giving upfront consent for several types of consent, including planning permission, roads construction consent, listed building consent, and conservation area consent. The 1997 Act provides that planning authorities will be able to prepare a MCA 'Scheme' setting out the detail of what they are giving consent for, through the MCA scheme. The MCA scheme can include conditions, limitations and exceptions which may cover aspects such as development parameters, design and environmental matters. Within adopted MCA areas, development could be brought forward in line with the agreed scheme without the need for any further application.
- 4.13** The Council's response to the MCA regulations consultation is set out in Appendix 2. The key points from the Council's response include:
- Agreement with the principle of the regulations and is supportive of guidance being prepared before this part of the planning act comes into force.
  - Agreement with all forms of development which the Planning and Roads Authorities would otherwise grant consent for being able to be granted with a MCA.
  - Agreement that no additional areas should be excluded to those within the Planning Act, such as World Heritage Sites or Sites of Special Scientific Interest.
  - Suggestions that the requirements in relation to the duty to periodically consider making an MCA scheme should be set out in regulations, rather than guidance, so as to ensure certainty and consistency.
  - Agreement with requirements to consult community councils and hold public consultation events for possible proposals for a masterplan consent areas scheme.
  - Agreement that reasoning should be provided for any conditions placed on a MCA scheme, as is the case with planning applications.
  - Agreement with regulations in relation to who a planning authority must notify about a proposed MCA scheme and how consultation should be

undertaken as these broadly align with existing processes for planning applications.

- Agreement that there should be a minimum 30-day period for representations in line with current arrangements for Environmental Impact Assessment applications, with a suggested wording to clarify that this a longer period is acceptable.
- Agreement with the requirement to hold a hearing for development which would be national development as well as the proposal to give all interested parties the opportunity to be heard at such a hearing.
- Agreement with proposals in relation to notification of Ministers; inclusion in the planning register and for publication of decision notices online, with a suggestion to remove the requirement to publish a decision notice in a local newspaper or reduce the required content of notices to be published in a local newspaper.
- Agreement with the proposals for altering a MCA scheme, noting that the requirements for review should be proportionate to the extent that the scheme is to be altered.
- A suggestion that the form of notices should be included in regulations.
- Agreement that the processes for a MCA, which relates to Environmental Impact Assessment development should have similar procedures to Environmental Impact Assessment applications.

#### Development Plan Amendment Regulations

- 4.14** The Planning Act (Scotland) 2019 amended the Town and Country Planning Act (Scotland) 1997 to require the Scottish Government to fully review the National Planning Framework (NPF) every 10 years and planning authorities to fully review Local Development Plans (LDP) every 10 years. Given the length of time between these review periods, they also added provisions to enable both documents to be amended between full review cycles. The regulations will set out the processes to amend development plan documents and requirements the Scottish Government and planning authorities must consider when preparing amendments.
- 4.15** The Scottish Government are proposing that if an amendment would change at least half (nine or more) of the national developments or at least half (17 or more) of the national planning policies in the NPF then this would trigger a full review. This is acknowledged as being a high bar to trigger a full review, their reason given is that the wish to provide confidence in the planning system over the long term and that a full review is resource intensive for stakeholders.
- 4.16** The consultation paper sets out the process for amending the NPF which includes engagement and justification, preparation, consultation, scrutiny, and adoption. It also sets out the following process for amending LDPs,

which includes justification, preparation, consultation, examination and adoption.

**4.17** The Council's response to the Development Plan amendment regulations consultation is set out in Appendix 3. The key points from the Council's response include:

- When considering if an amendment to the NPF would trigger a full review of the NPF a combination of changes to national planning policies and national developments should be considered.
- The way the consultation paper is worded makes it ambiguous as to whether Scottish Ministers will be required to outline the engagement that will take place during the NFP amendment process by regulation. It is suggested that this is an explicit requirement of the regulation, and that it should take the form of a Participation Statement.
- The Council agree that there should be flexibility within the regulations, for both NPF and LDP amendments, as to which groups of the public should be engaged and the weight given to statutory consideration for plan making, as the scope of who needs to be engaged and what needs given deep consideration will vary depending on the nature of the amendment.
- The Council agrees that there should be flexibility in consultation timescales for NPF and LDP amendments to enable longer periods if necessary, depending on the scope of the amendment. However, the proposed minimum timescale of six weeks may be too short.
- Currently a full Proposed LDP needs to be approved by full Council; however, it is currently proposed an amendment would not. This does not seem consistent with a collaborative planning system; a key outcome of the planning reforms and it is recommended that the requirement for approval by full Council is retained.

## **5. People Implications**

**5.1** There are no direct personnel issues associated with this report. However, the outcomes of the Investing in Planning consultation may assist in addressing some resourcing issues arising from the implementation of changes to the planning system including Masterplan Consent Areas.

## **6. Financial and Procurement Implications**

**6.1** There are no financial or procurement implications associated with this report.

## **7. Risk Analysis**

**7.1** There are no risks associated with this report.

## **8. Equalities Impact Assessment (EIA)**

**8.1** The responses to these consultations are not policy and do not themselves have any relevance to the four areas. The responses are screened out as not relevant.

## **9. Consultation**

**9.1** Planning officers have discussed the content of the consultation documents and attended Heads of Planning Scotland events to discuss the consultation documents.

## **10. Strategic Assessment**

**10.1** The consultations will be of relevance to the following strategic priorities:

- A strong local economy and improved employment opportunities – through setting planning policy for housing and economic development within a wider framework which has addressing climate change and nature recovery as primary guiding principles.
- Meaningful community engagement with active empowered and informed citizens who feel safe and engaged – through setting guidance for when and how communities should be engaged in the development planning process.

**Alan Douglas**

**Chief Officer – Regulatory and Regeneration**

**Date: 8<sup>th</sup> May 2024**

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<b>Appendix:</b>	<p>Appendix 1: Response to Investing in Planning</p> <p>Appendix 2: Response to Proposals for Masterplan Consent Area Regulations</p> <p>Appendix 3: Response to Proposals for Development Plan Amendment Regulations</p>
<b>Background Papers:</b>	<p>Investing in Planning – a consultation on resourcing Scotland’s planning system  <a href="https://www.gov.scot/publications/investing-planning-consultation-resourcing-scotlands-planning-system/">https://www.gov.scot/publications/investing-planning-consultation-resourcing-scotlands-planning-system/</a></p> <p>Masterplan consent area regulations: consultation  <a href="https://www.gov.scot/publications/masterplan-consent-areas-consultation-draft-regulations/">https://www.gov.scot/publications/masterplan-consent-areas-consultation-draft-regulations/</a></p> <p>Development plan amendment regulations: consultation  <a href="https://www.gov.scot/publications/proposals-regulations-amend-national-planning-framework-local-development-plans-2/">https://www.gov.scot/publications/proposals-regulations-amend-national-planning-framework-local-development-plans-2/</a></p>
<b>Wards Affected:</b>	All

## Appendix 1: Investing In Planning Consultation Response

### Proportionality

*Question 1: which assessments might benefit most from improved proportionality?*

West Dunbartonshire Council (WDC) would support sharing best practice on proportionality of assessments for planning applications, including those listed in the consultation paper. While we do not have any specific assessments to suggest, it would generally be helpful to have a high level, standardised approach for assessments needed to meet NPF4 requirements. It would also be helpful if guidance on assessments that currently exists is better publicised, such as the Developing with Nature guidance and templates produced by NatureScot to support the implementation of Policy 3. We have not seen many examples of this being used. In addition, more guidance produced to support the policies of NPF4.

We also find that having early discussions with applicants can help to establish a proportional approach and establish what is required from an early stage so when the planning application is submitted it contains all the required documents.

### Certainty

*Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Partly agree.

WDC partly agree that processing agreements are a helpful tool. WDC do not use Processing Agreements, however we have developed a Pre-app Framework, which we use to create a form of (less formal) agreement between the planning authority and developers on how applications are taken forward. In West Dunbartonshire the Planning Service frontload all major and significant applications which has resulted in major application timescales being well below the Scottish national average. The Pre-Application Framework is used instead, which is a more informal, flexible tool and includes public engagement, elected member engagement and the Place and Design Panel. There is no requirement to use a processing agreement if detailed pre application discussions take place as all the issues are understood upfront by applicant and officers and can be addressed together with consultee comments. This allows for flexibility, which can be lacking with processing agreements. We have some concern that rigid agreements do not allow for flexibility and can be used to put pressure on planning authorities, possibly in cases where delays are not the fault of the planning authority. It is considered that a processing agreement would just add a further level of bureaucracy.

*Question 3: Do you consider that current resourcing issues are impacting on the use of processing agreements?*



*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Strongly agree.

As a planning authority we would not be willing to enter into agreements where we were unsure if we could deliver the service. As a planning authority, we would not, and do not offer the pre-application framework when we are unsure about our ability to resource it effectively. Presently the Council charge for the pre-application framework and our experience is that applicants are supportive of this charging on the basis that the agreement and service results in better outcomes through the application process.

*Question 4: Would you be willing to pay a discretionary fee to enter into a processing agreement? Yes | No view | no. Please explain your view.*

Yes.

We are supportive of this in principle. We currently charge for our pre-application framework and our experience is that applicants are supportive of this charging on the basis that the agreement and service results in better outcomes through the application process.

*Question 5: What additional actions can we take to improve certainty in the planning process?*

Certainty in the system is not just down to applicants and planning services, but also to services and consultees within the council and other agencies. The broader lack of resources across local authorities and within key agencies is also factor in providing certainty within the system. This means that resourcing issues, for example, in environment health and roads and transport departments within councils can have a knock on effect on the timing of planning decisions. It is also not uncommon for consultees (internal and external) to request additional time to provide responses to a planning application. However often planning is seen as the delaying factor when in fact it is a consultee who is struggling to reply in the timescale.

A wider view of the resources in local authorities and agencies involved in planning needs to be considered when addressing certainty and timeliness of decisions. A charge for consultee responses could help to support services who are struggling to resource their responses on time.

#### Streamlining, Alignment and Standardisation

*Question 6 Do you have further ideas on opportunities for streamlining, alignment or standardisation?*

Many small applications, such as householder's applications, raise similar needs and require similar assessments in processing the application. A standardised approach for appraising and reporting some types of development may be helpful.

## Skills, Recruitment and Retention

*Question 7 Are there any skills actions which you think should be prioritised?*

The skills strategy to identify specialist skills needed to address NPF4 requirements. Planning authorities have lost a lot of skills and expertise in specialist subject areas due to resource constraints, such as landscape, heritage, urban design and ecology. NPF4 brings in a number of new requirements, such as biodiversity enhancement, sustainability and a greater emphasis on previously existing requirements, such as climate change mitigation and adaptation. These skills need to be resourced.

*Question 8 Are there any skills actions not identified*

Upskilling existing local authority staff to have an understanding of specialisms that over time been lost or reduced at councils over time (such as landscape, biodiversity and heritage) may also be worth investigating. While this would not replace specialists it would better equip local authorities to deal with these subjects. More formal support could be provided for this, perhaps with collaboration with more professional bodies or sharing skills between local authorities.

Whilst it is recognised that good progress is being made to encourage school leavers to join the profession through the joint work of the Scottish Government, RTPi and HOPS through bursaries and this will assist the profession in the future, more needs to be done to address the lack of experienced planners at present which can disproportionately affect smaller planning authorities. Whilst the larger planning authorities can upskill existing staff this can be difficult in a smaller Local Authority where focus can be in processing of applications to achieve good performance levels and deliver development on the ground.

The government could also investigate the possibility of supporting other built environment professionals to move into planning, such as architects, surveyors and urban designers. These professions may already have some familiarity with, and skills relevant to planning processes. This certainly would help to address the planning skill shortage.

## A Planning Hub

*Question 9: Do you think that the concept of a 'planning hub', modelled on the Building Standards Hub would support authorities and deliver improvement in the system?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Partially agree.

West Dunbartonshire Council support in principle the idea of a planning hub and the key priorities identified. In particular this will be helpful to smaller planning authorities with fewer resources. Depending on the overall cost and how it is funded the Hub could provide better value to local authorities than commissioning consultants or agency staff on an ad-hoc basis, which has been a result of the loss of specialists in local authorities. However, at this stage more information is required about how it

would operate and costs. There is also some concern the hub may recruit some planning officers from local authorities thus causing more difficulties.

It should be noted, however, that as well as loss of specialisms within planning authorities there has been a reduction in the resourcing and capability of key agencies, who are not able to support planning authorities in the way they once did. It is reiterated that smooth running of the planning system is not just about adequate resourcing of planning services, but the wider range of public sector bodies that support the system. The need for a solution like the Planning Hub is in part due to lack of resources across the public sector.

*Question 10: Are there other ways a hub could add value and provide support in the short and longer term?*

As well as energy, heat, biodiversity and climate adaptation, it is also suggested that GIS (or other digital planning support), landscape, design, heritage are included.

On energy specifically, support in understanding emerging and expanding technologies (such as battery storage and hydrogen) would be very welcome.

#### Hosting a Planning Hub

*Question 11: Which of the options do you think is most suitable, and why?*

- i. Within Scottish Government*
- ii. Within public organisation*
- iii. Within a host authority*
- iv. Other*
- v. No view*

#### *ii. Within a Public Organisation*

West Dunbartonshire Councils preference is within a public organisation and would specifically suggest the Improvement Service. The Improvement service already undertakes some of the key priorities identified for the Planning Hub, such as supporting planning authorities on emerging issues and organising training and skill sharing. We also note that paragraph 60 of the consultation paper states that once operational the hub could further expand into areas of performance and improvement. Given the overlap with function it already provides and the established relationship it already has with local authorities, the Hub would be a natural expansion to the Improvement Service.

#### Financing the Hub

*Question 12: How do you think a Planning Hub could be resourced?*

An increase to planning fees, would be a simple way to secure funding for the Hub. However, any method of funding will need to be consistent with the Verity House Agreement i.e. it should not be ring fenced. This could leave any funding of the hub which comes from local authorities vulnerable to budget saving exercises. We also wish to reiterate that a hub would be plugging a gap left by reduced resources within planning authorities and key agencies, meaning even if funding was provided by

increased planning fees, this effectively shifts the resource burden from the Scottish Government to local government.

### Planning Fees

*Question 13: Do you agree that planning fees should increase annually in line with inflation?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Strongly agree.

While this would not provide full cost recovery, it would protect planning authorities against continued rising costs from inflation. It would also provide more certainty to applicants planning their applications than the current, irregular increase in fees.

*Question 14: Is a calculation based on the 12 month Consumer Price Index the most appropriate mechanism?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

No view

*Question 15: Should an annual inflationary increase apply to:*

- i. individual fees and increments;*
- ii. Individual fees, increments and maximums;*
- iii. No view.*

ii. Individual fees, increments and maximums.

WDC's view is that the inflationary increase should apply Individual fees, increments and maximums, for the reasons stated in the consultation paper; "only increasing the individual fees and increments would potentially lead to more applications reaching the maximum fee quicker and may impact planning authorities' ability to recover their costs in determining applications."

### Locally Setting Planning Fees

*Question 16: What would be your preferred approach to how planning fees are set in the future?*

Fee setting by Government is the preferred approach of this Council. Local authorities setting their own fees would require time and resources and could be complex to implement. It would be more confusing for applicants and the development industry who may also compare fees and services between authorities. It could lead to disagreements that lead to longer timescales and uncertainty within the system. Having recently set the fees for the pre application service this was a complex process in order to get correct and reasonable fees. Also, if fees set locally Heads of Finance may influence the setting of the fees too high.

*Question 17: Are there key principles which should be set out in the event that fee setting powers are devolved to planning authorities.*

There should be a standardised process or method for setting fees. Fees should enable local authorities to reach full cost recovery and be proportionate to the scale and type of planning application.

#### Increasing Discretionary Charging

*Question 18: What other processes that support the determination of a planning application could authorities be given powers to charge at their discretion?*

As mentioned in other parts of our response, other services within local authorities and public sector bodies are essential within the planning process. Fees could also be introduced to resource service areas (such as roads or flooding) where they support determining planning applications, or where external support is needed to determine an application such as landscape and visual impact advice.

*Question 19: Do think the circumstances where a refund can be requested is set out as part of any published information regarding the introduction of a discretionary charge?*

Yes.

#### Fee for Proposals on Unallocated Sites in the Development Plan

*Question 20: Do you agree with the principle that authorities should have discretionary powers to increase fees for a proposal on an unallocated site within the development plan?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Strongly agree.

Allocated sites have already been assessed to a degree, requiring less assessment to take place at the planning application stage. This will be even more the case with new style local plans, where local authorities are expected to front load more work on sites through design briefs and masterplans. Additional fees for unallocated sites would reflect that the local authority has undertaken site assessment or produced a masterplan or development brief for the site to be assessed against.

#### Masterplan Consent Areas

*Question 21: Do you agree that planning authorities should be able to recoup the costs of preparing a Masterplan Consent Area through discretionary charging?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Strongly Agree.

Given that the cost of preparing a Masterplan Consent Area will vary widely depending on context, complexity, and scope, recouping cost through discretionary

charging is appropriate. The potential for an ongoing workstream associated with verifying development is in line with the scheme, it would be reasonable for charging to support this resource.

### Fees for Planning Appeals

*Question 22: Do you agree with the types of appeals that should incur a fee? Yes / No view / no. Please explain your view.*

No.

WDC agree fees should be payable most of the development types listed. Not all of the development types listed as requiring a fee for appeal require a fee for an application, for example Tree Works Consent. There should be consistency between application types that require a fee and appeal types that require a fee.

It is understood why there is no fee suggested for appeals for non-determination, as it could be perceived as unfair to pay twice in this instance, however there are circumstances where timescales to process an application extend due to the need for applicants to provide additional information. Particularly where a consultee, such as a key agency, request more information or assessments. In cases where it is found that authorities do not have sufficient information to determine an application it may be reasonable to apply a fee for non-determination.

### Fee Level

*Question 23: Do you agree that setting the fee for applying to appeal the refusal of planning permission (to either DPEA or the planning authority) is set as a percentage of the original planning application fee?*

*Strongly agree / Partially agree / No view / Partially disagree / Strongly disagree. Please explain your view.*

Strongly agree.

This will ensure that the fee is proportional to the proposal.

*Question 24: If a percentage of fee approach to appeal charging was considered most appropriate, what level do you consider would be most appropriate to reflect volume of work by DPEA or the LRB?*

*10% / 20% / 30% / 40% / No view / Other. Please explain your view*

Other.

It is appreciated that balance needs to be struck between recovering costs and access to justice, however we would expect the level of time and resource in deciding an appeal is similar to that of deciding a planning application. We would consider it appropriate for the fee for an appeal to be at least 50% of the application fee.

*Question 25: Do you agree that an authority should consider waiving or reducing an appeal fee where they have offered such a waiver on the related planning application?*

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.  
Please explain your view.*

Strongly agree

We currently waive fees in certain instances and would be supportive of being able to waive fees for appeals in these cases.

#### Digital Service Charge

*Question 26: Do you have views on how a service charge for applying for planning permission or a building warrant online could be applied?*

We do not agree that there should be a charge for using the portal. We would like to encourage applicants to use the online portal rather than other means and a service charge would dissuade applicants from using it. Other means of submitting applications are more resource intense for the council to process and so we do not believe a charge for the use of the online portal as appropriate.

We also think that applicants would feel it is unreasonable to be charged twice (the planning fee and then use of the portal) which could be perceived as unfair.

*Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?*

Other options may include charging the planning authorities subscriptions for accepting planning applications through the portal or taking a portion of planning fees to fund the portal. We would consider both of these to be unacceptable. Charging a fee for authorities to accept applications to use the portal means the subscription could be subject to savings during budgeting. The portal taking a portion of the planning fee would effectively be ring fencing and against the Verity House Agreement.

#### Energy Generation

*Question 28: Should the current threshold of 50MW for applications for electricity generation which are to be determined by authorities be altered?*

Yes.

Given the explanation provided in the consultation paper, that the size of equipment in terms of megawatts generated is increasing, it is logical that the threshold is increased to allow local authorities to take more decisions on renewable energy developments. This will also allow a greater level of local control of these developments, more of which are coming forward due to the supportive nature of NPF4 towards energy developments.

*Question 29: Should different thresholds apply to different types of generating stations?*

*Yes / No view / no. Please explain your view.*

Yes.

Different technologies scale differently in correspondence to the megawatts they produce or store. For example a 50MW wind farm will have a very different footprint and effects to a 50MW battery storage facility or 50MW solar farm. Therefore different thresholds for different technologies would be appropriate.

*Question 30: What would be the resource implications of increasing the threshold for the determination of applications for onshore electricity generating stations?*

Local authorities already assess Energy Consent Unit applications in a similar way to planning applications, before making a recommendation to the ECU. There may be additional workload in terms of administration with regards to issuing decisions and running committees, however the planning authority would also benefit from the full planning fee, rather than the 50% they currently receive, to process these applications.

Given the evidence in paragraph 125 of the consultation paper, it may be appropriate to introduce a different timescale for determining energy development applications of approximately six months.

*Question 31: If Scottish Government were to make a voluntary contribution equivalent to a percentage of the offshore electricity fee to authorities, what level of contribution would be appropriate to support some recovery of costs? Please provide justification for your answer.*

WDC does not have evidence to specify a certain level; however the voluntary contribution would be welcomed and should reflect assessments which may be undertaken by a council to come to a position on a proposal, such as:

- assessing visual impact from the shore;
- assessing impact from transport of equipment personnel to the construction site;
- assessing the impact of onshore cable landing sites and subsequent need for electricity grid upgrade or expansion; and
- assessing potential socio-economic benefit.

The contribution should also take into account that these assessments may require commissioning of specialists, planning authorities do not have 'in house'.

## Hydrogen

*Question 32: Should we introduce a new category of development for applications for hydrogen projects? If so, how should these fees be set/calculated?*

Yes.

WDC agree that a new category for hydrogen should be introduced. A site area based fee of a similar to category 10 for exploration of oil and gas exploration, or category 15 for winning and working of mineral may be more appropriate. There is



potential risk to these kind of facilities that needs to be taken into account of in calculating a fee. An alternative approach would be to base a fee on the expected volume of hydrogen to be produced and stored at the facility. This would mean the fee scales with potential risk.

Yes

*Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution? Yes | No view | no. Please explain your view.*

Yes, as hydrogen production is a industrial/ chemical process whilst storage and distribution uses tend to be less process driven.

### **Prior Notification/Approval**

*Question 34: Do you agree that the standard £100 which applies to most prior notification and approval applications is appropriate?*

*Yes | No view | no. Please explain your view.*

No

The £100 fee is not commensurate with the level of work involved in processing them. The fee should be much higher.

*Question 35: Are there particular PDR classes where you think the current fee should be amended? If so, please explain why that is considered to be the case.*

WDC would suggest a fee should be applied to any PDR class that requires a neighbour notification, as this is then an administration requirement on the council which results in a cost for the Council.

### **Shellfish Farming**

Question 36: Would a reduction of the current fee (£200 per 0.1 hectare) be an appropriate approach to resolving this issue?

N/A

Question 37: What would you consider to be a reasonable fee for shellfish farm applications? (Please elaborate on your answer using an average shellfish farm development (5 x 220m twin-headline longlines at 20m spacing with 30m end moorings) as an example.)

N/A

*Question 38: Which proposal would you most like to see implemented? Please explain the reason for your answer.*

Fees increasing with inflation and charging for appeals. We believe that these are the most likely to have immediate impact.

Inflationary increases in planning fees insulate planning authorities from rising costs and provide more certainty than the current way appeal fees are raised.

Addressing the resourcing of Planning Authorities and key Stakeholders. Appeals and Local Review Bodies require resources to carry out, but there is not additional resource for the local authority to do so.

*Question 39: Do you have other comments on the cumulative impact of the proposals?*

Regardless of what solutions the government chooses to pursue, the overall balance should lead to a net increase to planning authority finances and resources. Costs to planning authorities arising from proposals such as funding the planning hub or charging for the online application portal should, on the whole, not come at the expense of existing resources within planning authorities.

*Question 40: Do you have other ideas to help resource the planning system? Please set out how you think the proposal could be resourced.*

We have highlighted at multiple points throughout the consultation, that it is not only planning services that are necessary for an effective planning system. Other council services and Key Agencies are also having to manage performing their functions with less resources. Funding needs to be considered for these other parts of the public sector. We would suggest that some kind of fee could be applied, to allow some cost recovery to other parts of councils and Key Agencies when providing their advice to planning.

## Appendix 2: Masterplan consent area regulations: consultation

### Approach to Regulations

#### *Question 1:*

*A) To what extent do you agree with the principle that regulations be kept to the minimum necessary and that more advice be offered in guidance and kept updated?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that regulations should be kept to the minimum necessary and agree that further guidance is useful in aiding the interpretation of the legislation. The Council would however suggest that any guidance on how to take forward a Masterplan Consent Area should be published at the time that the regulations come into force, and would be more supportive of the regulations being more comprehensive if that will not be the case.

### Excluding kinds of development from schemes

#### *Question 2:*

*A) We are not proposing to regulate to exclude any form of development from having potential to be within a MCA. To what extent do you agree with this approach?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that all of these consents which the Planning and Roads Authorities would otherwise determine should be included.

### Places that cannot be included in a scheme

#### *Question 3:*

*A) We are not proposing any changes to the designations listed in schedule 5A (paragraph 3(4)). To what extent do you agree with this approach?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

The Council is satisfied with the list of exclusions listed within Schedule 5A of the Planning Act. It is agreed that Conservation Areas should not be added to the protected areas on this list.

#### Duty to periodically consider making a scheme statement

##### *Question 4:*

*A) To what extent do you agree that the matters above in relation to the statement be set out in guidance rather than regulations?*

- a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*  
*d) Disagree*

*B) Please explain your view.*

The Council disagrees that the matters set out in relation to statements on consideration of making a Masterplan Consent Area scheme should be set out in guidance and not in regulations. Including detail of these requirements, as indicated by the Planning Act, within regulations provides more certainty for planning authorities and will ensure greater consistency for others who engage with this part of the planning system.

It is noted that part 3 (4) of the draft regulations requires planning authorities to notify community councils if they are considering making a MCA. It is suggested that requiring authorities to issue statements notifying community councils and others in cases where a MCA is not taken forward would ensure the same level of transparency.

The Council agrees with the matters covered in the consultation paper in relation to each of these requirements, but would suggest that the list should also include owner, lessee or occupier for areas within and adjacent to areas considered for bringing a MCA forward.

#### Consultation on possible proposals for a masterplan consent area scheme

##### *Question 5:*

*A) Draft Regulation 3(4) specifies that planning authorities must consult with community councils before determining the content of any MCA proposals which may be publicised. To what extent do you agree with this?*

- a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*  
*b) Agree*

*B) Please explain your view.*

The Council agrees that community councils should be notified at this stage. It is also suggested that owner, lessee or occupier, within and adjacent to the proposed MCA should be notified when considering a MCA.

##### *Question 6:*

*A) Draft Regulation 3 provides how consultation for possible proposals for a MCA scheme is to be undertaken, including notification and the requirement to undertake two public events, with opportunity to make comments to the planning authority. To what extent do you agree with this approach?*

- a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

b) Agree

*B) Please explain your view.*

The Council agrees with the consultation requirements which are in line with those required during pre-application for planning permission. It is suggested that the regulations could remove the requirement for two consultations for smaller scale development, for example proposals that would otherwise be a local application. MCAs for self-build housing could potentially be smaller scale. Undertaking this form of consultation and public events should be at the discretion of the planning authority for proposals which would otherwise be local planning applications.

#### MCA schemes form and content

*Question 7:*

*A) To what extent do you agree that the regulations should require reasons for conditions to be set out in the MCA scheme?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

b) Agree

*B) Please explain your view.*

It is agreed that conditions should have reasons, in line with conditions for planning applications in order to be consistent

*Question 8:*

*Are there any further aspects you consider should be required to be included in a MCA scheme? Please specify and explain why.*

No

#### Consultation on proposals for a masterplan consent area scheme

*Question 9:*

*A) Draft Regulation 4(3) and Schedule 1 of the draft MCA Regulations specify those who a planning authority must consult with before determining the content of any MCA proposals which may be publicised.*

*To what extent do you agree with these groups?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

b) Agree

*B) Please explain your view.*

The Council agrees with the proposals about who a planning authority must notify about a proposed MCA scheme, these align with exiting processes for planning applications.

*Question 10:*

*A) Draft Regulation 4(2) provides how consultation in relation to a MCA scheme is to be undertaken. To what extent do you agree with this approach?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

The Council agrees with the proposals about how consultation is to be undertaken, these align with existing processes.

### Publicity for proposals

*Question 11:*

*A) Draft Regulation 4(5) sets a 30 day period for representations if they are to be treated as valid representations. To what extent do you agree with this period?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that there should be 30 day period for representations, in line with the period for Environmental Impact Assessment (EIA) applications. The Council would be supportive of the “a date not earlier than...” wording from the Development Management Regulations being used.

### Hearings

*Question 12:*

*A) To what extent do you agree with the required circumstances, i.e. that where the scheme would authorise a national development, that there be a requirement for a hearing, as set out within Draft Regulation 5(1)?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that there should be a requirement to hold a hearing if appropriate in terms of representation where a scheme would authorise a national development.

*Question 13:*

*A) To what extent do you agree with the proposals for those who must be given an opportunity to appear before and be heard by a committee of the planning authority at a hearing as set out within Draft Regulations 5(2) and (3)?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view*

It is agreed that any person from whom the planning authority has received a valid representation should be given the opportunity to appear before and be heard at a hearing in relation to a proposed MCA. This is in line with the current processes for planning applications.

## Requirement to notify the Scottish Ministers of certain proposals

### *Question 14:*

*A) To what extent do you agree that a Notification Direction be issued requiring that in the above circumstances such MCA schemes be notified to the Scottish Ministers?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that the circumstances requiring a notification to Ministers should align with those which exist for planning applications, as is proposed in the draft regulations.

## Publicise

### *Question 15:*

*A) To what extent do you agree with the proposed requirements in relation to the publication of MCA schemes and the decision notice as set out in Draft Regulation 7?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*c) Neutral*

*B) Please explain your view.*

It is agreed that decision notices should be made available to view, and that the information set out in the proposed regulations is reasonable to include in such a notice. It is agreed that notices should be published online on the planning authority website, however, it is suggested however that requiring this to be published in a local newspaper is not appropriate. A requirement to notify interested parties of the decision and where a decision notice is available for inspection, in line with the development management regulations would be more appropriate. It is considered that the cost associated with a newspaper notice including all of the required information would not be proportionate to the likely readership. A notice including less information, excluding points b and c of the Draft Regulation 7 may be more appropriate for publication in a local newspaper. A template for such a notice in regulations or guidance would be welcomed.

## Planning Register

### *Question 16:*

*A) To what extent do you agree with the proposed requirements in relation to the planning register as set out in Draft Regulation 9?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that details of Masterplan Consent Areas should be included in the planning register as set out in Draft Regulation 9 for Legal and search purposes.

#### Alteration of a MCA scheme

*Question 17:*

*A) To what extent do you agree with the proposals for the procedures for altering a MCA scheme, as set out in Draft Regulation 8?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that the process for altering a MCA scheme should apply many of the same requirements as the making a MCA scheme. It is considered however that the process for alteration of a scheme should be proportionate to the extent that the scheme is to be altered. It is suggested that more extensive PAC-style events may still be appropriate if significant changes are proposed. The processes should be similar to those for authorising a MCA. As set out above, consultation and public event requirements for local scale development should be at the discretion of the planning authority.

#### Prescribed Form

*Question 18:*

*A) To what extent do you agree with the approach not to prescribe forms of notices within the Draft Regulations?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*d) Disagree*

*B) Please explain your view.*

It is considered that including prescribed forms within regulations would be beneficial for ensuring consistency. Including such notices in guidance would be supported, if not in regulations.

#### Environmental Impact Assessment

*Question 19:*

*A) To what extent do you agree with the proposed process set out in the Draft Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024 contained within Annex B?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*



It is agreed that the procedure for a MCA which relates to Environmental Impact Assessment development should resemble the procedure in the 2017 Environmental Impact Assessment regulations.

### Impact Assessments

*Question 20:*

*A) To what extent do you agree with our approach to the impact assessments?*

*a) Strongly Agree b) Agree c) Neutral d) Disagree e) Strongly Disagree*

*b) Agree*

*B) Please explain your view.*

It is agreed that the regulations relate to procedures for policy which has already been made and assessed through the 2019 Planning Act, therefore screening out the impact assessments is appropriate.

## Appendix 3: Development Plan Amendment Regulations: Consultation Response

### Amending the National Planning Framework

#### Requirement for a Full Review of the National Planning Framework

*Question 1: To what extent do you agree that it is appropriate to adopt a broad and high-level approach as to when a full review of the NPF is required?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree.

This approach is necessary to ensure that national planning policy or developments are not changed too significantly through the simplified amendment process. Especially since significant changes could necessitate the review of Local Development Plans.

*Question 2: In cases where amendments would require changes to half or more of the contents of the NPF, to what extent do you agree that a full review of the NPF would be required?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

It is noted that long term confidence in the planning system is a consideration in defining this threshold. However it is highlighted that easy process by which to make amendments to the NPF could in itself create uncertainty. In the English planning system where continuous changes to their equivalent national document, the National Planning Policy Framework, has led to local authorities withdrawing or pausing Local Plan preparation while waiting for updates to this document. However, it is understood that the more defined process of consultation and scrutiny proposed for an NPF amendment (addressed in later questions) than in the English system, does help in addressing this issue.

It is agreed that half of the policies or national development is a reasonable trigger, however the Scottish Government should also consider what the bar is for changing a combination of national planning policies and national developments. As currently proposed it is either half or more of policies OR half or more of developments. This could mean that 16 of the 33 policies could be changed AND 8 of the policies could be changed in an amendment, without triggering a full review, despite this being an arguably greater change to the framework than amending half of the policies, or half of the developments independently. It seems likely that these will be changed in combination, as a change to national developments (such as an additional national development) would likely necessitate a change in policy to support the development.

## Engagement and Justification

*Question 3: In preparing an amendment to the NPF, to what extent do you agree that the Scottish Ministers should have the same considerations as they would for a full review of the NPF, where that is relevant to the proposed amendment?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree.

It is logical that Ministers should have regard to considerations under 3AB(3)(a), 3AB(3)(a), 3A(4A), 3A(5) and 3A(3e) as this keeps considerations for amending the NPF consistent in considerations with full NPF review. Applying different weight to these considerations depending on the subject of these amendments is appropriate.

Regarding engagement, it is noted that paragraph 29 of the consultation document it is “envisaged” that Ministers would usually provide an update as to the engagement they intend to carry out, appropriate to the specific amendment. It is not clear from this if the regulations will require Ministers to release an update to engagement. It is considered it would be logical to require a Participation Statement for amendments. This is a requirement for full reviews of the NPF under Section 3AB(4) of the 1997 Act, and applying the requirements to amendments through the regulation would provide more certainty to stakeholders as to what can be expected regarding expect. The participation statement can still appropriate to the scope of the amendment.

## Preparation

*Question 4: To what extent do you agree with the list of those the Scottish Ministers should consult with on a proposed amendment i.e. the public at large, key agencies and planning authorities?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree.

The included list is agreed, and use of broad term “public at large” in paragraph 35 of the consultation paper. “The public at large” enables flexibility to engage those to whom the amendment is most relevant. Again, we would like to highlight participation statement as a useful tool to specify stakeholders of interest and provide certainty in the engagement that will take place.

*Question 5: To what extent do you agree that a copy of the proposed amendment should be laid in the Scottish Parliament during the consultation period?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

As a full reviewed version of the NPF is laid before parliament it makes sense that amendments are also laid before parliament, given it is a national policy document.

*Question 6: To what extent do you agree with the proposed minimum 6 week consultation period, understanding that the timescale may be extended when deemed appropriate given the significance and nature of the amendment?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree. We agree that a flexible timescale for consultation is appropriate. However, six weeks may be too short and eight weeks may be a more appropriate minimum length.

#### Consideration of comments and representations

*Question 7: To what extent do you agree that the Scottish Ministers be required to publish an Explanatory Report before the amended NPF is adopted?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Strongly Agree. Having a clear understanding of the evidence and consideration of representation received through consultation is essential for transparency in a participatory planning system.

#### Parliamentary Approval

*Question 8: To what extent do you agree that all amendments to the NPF should have to be approved by a resolution of the Scottish Parliament?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Strongly Agree. This provides consistency with the process for fully reviewing the NPF.

#### Taking Effect

*Question 9: To what extent do you agree that the amended NPF should take effect when it has been adopted by Scottish Ministers?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Strongly Agree. This seems reasonable.

#### Publication

*Question 10: To what extent do you agree that the full updated version of the amended NPF, incorporating the amendment, should be published as soon as practicable after it has been adopted by Scottish Ministers?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Strongly Agree. This seems reasonable and would provide full transparency.

## **Amendment to Local Development Plans**

### Early Engagement/discussions

*Question 11: To what extent do you agree that the full updated version of the amended NPF, incorporating the amendment, should be published as soon as practicable after it has been adopted by Scottish Ministers?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

The public should have an equivalent opportunity to be involved with an amendment to the LDP as with a full LDP review especially if it is dealing with controversial and sensitive issues which previously had public interest.

*Question 12: To what extent do you agree that planning authorities should be required to provide a statement outlining how they intend to engage with stakeholders on an amendment to a LDP?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Setting out how stakeholders will be engaged on an amendment to the plan is reasonable. In practice it seems likely that the Planning Authority will use the decision to amend plan as an opportunity to update the Participation Statement. Although simply requiring a statement does enable some flexibility.

*Question 13: To what extent do you agree that not every amendment to a LDP should require specific participation of children and young people?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

The engagement taking place should be relevant and proportionate to the amendment being proposed. In areas that are of limited interest to children and young people a requirement to engage them may be unnecessary and may add unnecessary time and engagement apathy. A statement should be provided why it is not necessary to engage children and young people.

### Information and Considerations

*Question 14: To what extent do you agree that, when preparing an amendment, a planning authority must have regard to the information and considerations set out in regulation 9 of the Town and Country Planning (Scotland)(Development Planning) regulations 2023?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

It is generally agreed that considerations in regulation 9 of the 2023 development planning regulations should be considerations in amending a plan, and that these issues can be given appropriate weight depending on the amendment.

#### Justification

*Question 15: To what extent do you agree that an authority should be required to collate relevant evidence to inform the proposed amendment and prepare a Justification of Amendment Statement?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

The local authority should have to present a reasoned justification for amendments with evidence including the results of engagement. Clear guidance on the expected content and extent of the justification statement in the LDP guidance would be helpful.

*Question 16: To what extent do you agree that a Play Sufficiency Assessment should not be required for an amendment to a LDP?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

The Play Sufficiency Assessment will not be relevant to all amendments. Local Authorities can still have regard to it when it is appropriate and provide a statement why it is not relevant for the amendment.

*Question 17: To what extent do you agree that an authority should not be required to have regard to the self-build list for every amendment to a LDP?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree.

The self-build list will not be relevant to all amendments, but the local authority can still have regard to where relevant and provide a statement why it is not relevant.

#### Consultation

*Question 18: To what extent do you agree that approval by the full council is not always required before the publication of a proposed amendment to a LDP for consultation?*

*Strongly agree | agree | neutral | disagree | strongly disagree*

Disagree.

It is inconsistent for a full proposed LDP to require agreement by full council, but not an amendment. It is recommended that amendment should go to full council.

*Question 19: To what extent do you agree that the proposed amendment to a LDP should be published for consultation, alongside the Justification of Amendment statement and any statement on the consequences for the Delivery Programme which are to be published for information?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

All information on the amendment should be provided alongside it with the consultation.

*Question 20: To what extent do you agree that planning authorities should be required to notify Scottish Ministers and to consult with the public at large and key agencies, alongside others they consider appropriate, when amending a LDP?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree. This would seem reasonable and would depend on the scale and significance of the amendment.

*Question 21: To what extent do you agree with the proposed minimum 6 weeks consultation period, understanding that the timescale may be extended when deemed appropriate given the scale of the amendment?*

*Strongly agree | agree | neutral | disagree | strongly disagree*

Agree that regulation should allow flexibility to enable consultations that are proportionate to the amendment. However, six weeks may be too short and eight weeks may be a more minimum appropriate length.

#### Consideration of Representations/examination

*Question 22: To what extent do you agree with our proposed approach to independent examination?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree

The approach for amending the LDP is the same as for a full LDP, however the examination process should be proportionate to the nature of the amendment.

#### Taking Effect

*Question 23: To what extent do you agree that an amendment to a LDP should take effect when it is adopted by the planning authority?*

*Strongly agree | agree | neutral | disagree | strongly disagree*

Agree.

This is consistent with the approach to a full LDP and it is not considered that an alternative approach is necessary and could be confusing.

#### Publication

*Question 24: To what extent do you agree that a full, updated version of the amended LDP, incorporating the amendment, should be published in the same way as the initial LDP?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree.

It is requested clarity on an issue regarding publication date. Section 24 (3) of the 1997 act states that "In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail." Does this Section 24 (3) refer to plans as a whole or, can it also apply to individual amendments of plans? For example, in a case where an LDP is later in date than the NPF, but the NPF is then amended, is the whole NPF now considered later in date than that LDP, or just the amendment to the NPF?

If the later, it may be helpful to require LDPs and the NPF with incorporated amendments, to have a summary of amendments, which specify the parts of the plan have been subsequently amended and at what date.

#### Impact Assessment

*Question 25: To what extent do you agree with our approach to the impact assessments for the proposed regulations?*

*Strongly agree | agree | neutral | disagree | strongly disagree.*

Agree, however this is an issue for the Scottish Government to satisfy themselves.



## WEST DUNBARTONSHIRE COUNCIL

## Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 8<sup>th</sup> May 2024

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**Subject:** Construction and operation of a 560MW Battery Energy Storage System with associated infrastructure, substation, security fencing, CCTV, security lighting and landscaping on Land at Cochno Road, Bearsden, East Dunbartonshire - Section 36 application to Scottish Government Energy Consents Unit ref: ECU00004982

**1. Purpose**

- 1.1 To agree the Council's response to a consultation received from the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers regarding a proposal for the construction and operation of a 560MW Battery Energy Storage System with associated infrastructure, substation, security fencing, CCTV, security lighting and landscaping.

**2. Recommendations**

- 2.1 It is recommended that the Council agrees to **object** to the above development and that the response contained in Appendix 2 forms this Council's formal response to the proposal.

**3. Background**

- 3.1 The Scottish Ministers received an application under section 36 of the Electricity Act 1989 for the construction and operation of a battery energy storage facility with a maximum power output of 560 megawatt. The application site is located within the East Dunbartonshire local authority area however the assessment of the submitted application is undertaken via the Scottish Government Energy Consents Unit for the Scottish Ministers. West Dunbartonshire Council has been consulted as neighbouring planning authority with the application site lying generally to the north of the local authority boundary. The application is referred to under the project name of Whitehall BESS. The location of the site is shown in Appendix 1.
- 3.2 A date of 15<sup>th</sup> May 2024 has been agreed with the Scottish Government Energy Consents Unit for the submission of the Council's consultation response. The application documents are available to view via the Energy Consents Unit website via the following link: [Scottish Government - Energy Consents Unit - Application Details](#)

#### **4. Main Issues**

- 4.1** The site is situated on land at Whitehall Farm, Cochno Road, East Dunbartonshire and extends to approximately 29 hectares. It is located immediately north and east of the local authority boundary which follows the line of Cochno Road at this location. The site itself is located within the open countryside comprising part of the Green Belt as defined by the adopted East Dunbartonshire Local Development Plan 2. To the south, the site is bound by Cochno Road with Whitehill Farm located directly adjacent to the southeast of the site. To the west, the site is bound by Cochno Road along its southern extent before following the general line of Lower Stourfold Glen. The northern and eastern boundaries of the site generally cut across open land before following the existing tree line to Cochno Road. The nearest residential properties within West Dunbartonshire are the houses directly opposite the site at Edinbarnet, Cochno Road. Properties at Craigton Street, Burnbrae Street, Craighaw Street and Field Road lie around 170 metres from the southernmost boundary of the proposed site. Loansdean, Cochno Road is around 200 metres from the site.
- 4.2** The proposal is for a 560 MW Battery Energy Storage Facility with associated infrastructure. It is indicated that the development would have an operational lifespan of 40 years. The proposed development would comprise a number of containerised units to house battery energy storage systems and associated ancillary infrastructure. Each container will have the appearance of a standard metal ISO/shipping container and it is indicated these will be soundproof. The containers would be arranged in parallel banks and would likely be finished in dark grey or green and would be prefabricated off-site. The containers would be accessed via an external galvanised metal open grid walkway supported by stairs and railings. The dimensions of the containers would be approximately 2.6m x 2.4m x 12.2m (height x depth x width). The containers together with other equipment will be placed on concrete plinths. In the submitted documents it is indicated that concrete will be installed in a manner which can be removed at the end of the development's life cycle, to return the land to agricultural use. The proposal would see 224 containers in total. There will be 1 inverter per container and 1 transformer per 2 containers giving a total of 224 inverters and 112 transformers, arranged in formation alongside the containers. The transformers and inverters will measure approximately 2.7m x 1.4m x 2.6m, and 2.3m x 1.4m x 1.5m respectively. Underground cables would connect the facility to the grid off-site at Drumchapel and Windyhill substations. A substation measuring 3.9m x 3.7m x 13.6m is to be located to the south of the site. All structures and development as laid out above will be enclosed within an acoustic fence, proposed to stand at 4m high.
- 4.3** A 4m wide access road will be installed, with the proposed access point to Cochno Road located on the western edge of the site. It is indicated that landscape proposals for the site will seek to enhance existing landscape features, screen views of the battery containers and enhance biodiversity.

- 4.4** Battery Energy Storage Solutions provide a means of allowing for the storage of energy at times when generating stations are working at full capacity which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is a critical issue for grid stability. In short, the proposed battery takes in generated electricity when there is a surplus and stores it until there is a demand for electricity which can be released to meet this demand.
- 4.5** Appendix 2 comprises the recommended response to the consultation. National Planning Framework 4 (NPF4) sets out the long-term vision for the development of Scotland through the National Spatial Strategy. NPF4 aims to meet Scotland's climate ambition which will require a rapid transformation across all sectors of the economy and society. This proposal constitutes a National Development as it supports renewable electricity generation, repowering, and expansion of the electricity grid under National Development 3: Strategic Renewable Electricity Generation and Transmission Infrastructure. NPF4 recognises that additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy. Whilst the Council considers that the proposal could therefore be held to support the overarching aims of the NPF4 to achieve net zero targets and provide a stable domestic energy supply, it must be ensured that such development happens in the right place. Therefore, it must be assessed if there are any potential adverse impacts upon West Dunbartonshire resulting from the proposed development which would be outweighed by any benefits.
- 4.6** In considering the proposal, it is concluded that no concerns arise in respect of matters relating to the impact upon the Kilpatrick Hills, flood risk, roads, and traffic, built and cultural heritage, and health and safety. However, a variety of concerns do arise.
- 4.7** In assessing the Green Belt location to the north of Faifley, it is considered that the applicant has not demonstrated that there are no other suitable sites available in a location outwith the Green Belt. It is considered that the industrial character of the development would be to the visual harm of the locality resulting in the industrialisation of the Green Belt. Whilst landscape mitigation is proposed, any planting would take years to develop and mature, exacerbating the visual impact within the short to medium term. This is considered unacceptable or unjustified. The development cannot, therefore, be held to be supported by Policies 8 and 11(e)(i) of NPF4.
- 4.8** Turning to the impact upon ecology, biodiversity and protected species, the applicant's preliminary ecological appraisal fails to identify the adjacent Local Nature Conservation Site (LNCS) within West Dunbartonshire and assess the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It therefore cannot be concluded that adverse impacts would not occur within the West Dunbartonshire area. Turning to the impact on the core path network, while no routes are physically interrupted by the proposal, there will be a visual and noise impact to users of the routes and the character of the routes will be changed. It is considered that

there is the potential for there to be adverse visual amenity impacts on core path users. The overall feeling of being in the wider countryside and outwith the built-up area would be lost. Cochno Road also acts as a connection between the various core path routes at this location and the impact of construction traffic to users of these routes has not been considered or addressed. The development cannot, therefore, be held to be supported by Policies 3, 4 and 11(e)(iii) and (ix)

- 4.9** With regard to residential amenity, it has not been demonstrated beyond doubt that there would be no impact upon residential amenity within West Dunbartonshire by way of noise. Finally, it is considered essential that given the type of development together with its size and location, that full details of de-commissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(i) of NPF4 are met.

## **5. People Implications**

- 5.1** None.

## **6. Financial and Procurement Implications**

- 6.1** There are no financial or procurement implications in terms of this report.

## **7. Risk Analysis**

- 7.1** No risks have been identified.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** Not required.

## **9. Environmental Sustainability**

- 9.1** Matters relating to environmental sustainability are fully considered via the application assessment.

## **10. Consultation**

- 10.1** Responsibility for wider consultation on the submitted application rests with the Scottish Ministers and Energy Consents Unit as part of the application process.

## **11. Strategic Assessment**

- 11.1** The following strategic priorities of the Council are relevant:

- Our Communities - Resilient and Thriving
- Our Environment - A Greener Future
- Our Economy - Strong and Flourishing

**Alan Douglas**  
**Chief Officer – Regulatory and Regeneration**  
**Date: 8th May 2024**

**Person to Contact:** James McColl, Development Management Team  
Leader  
Email: [james.mcColl@west-dunbarton.gov.uk](mailto:james.mcColl@west-dunbarton.gov.uk)

**Appendix 1:** Location Plan  
**Appendix 2:** Council's Consultation Response

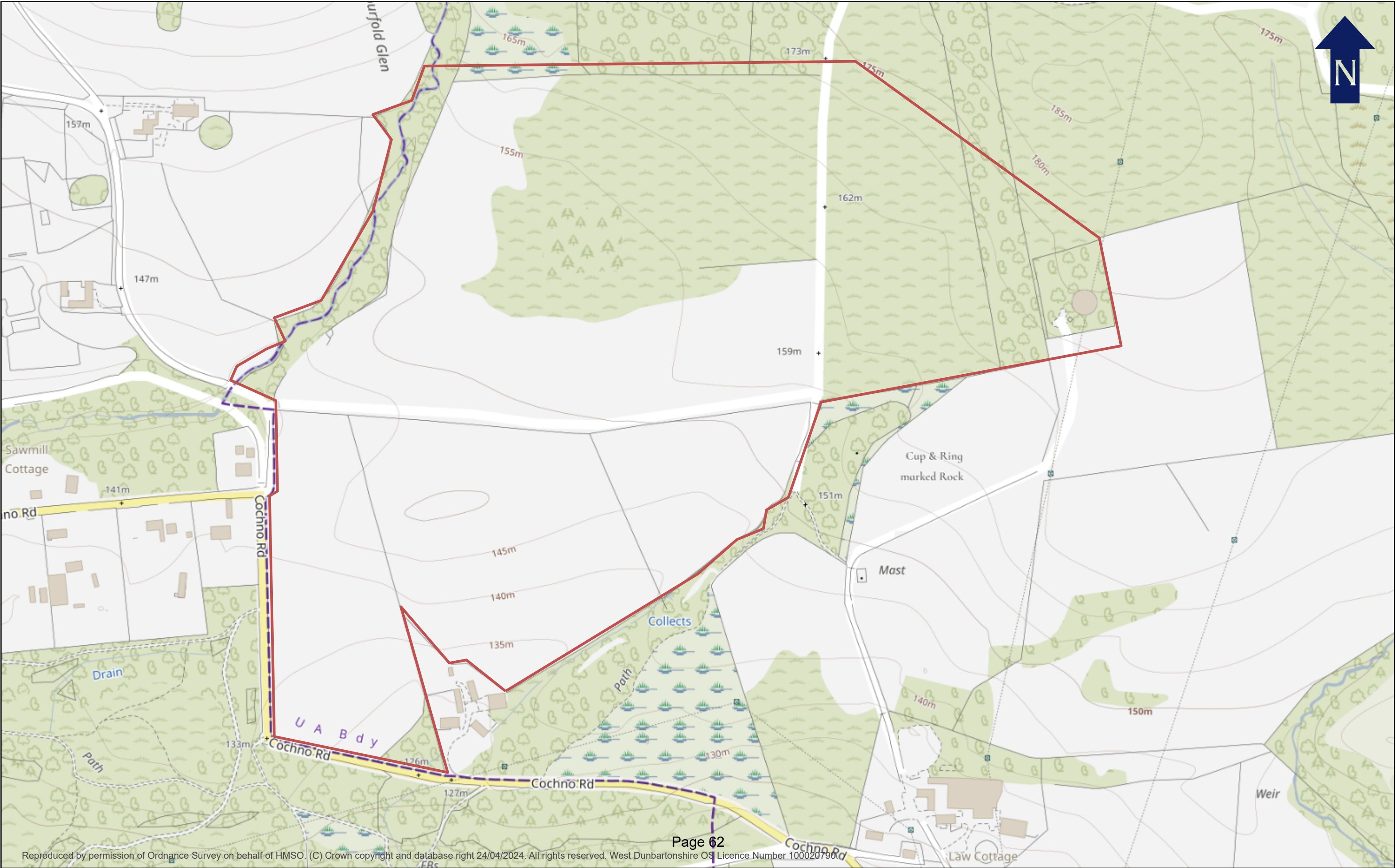
**Background Papers:**

1. Application documents
2. National Planning Framework 4
3. Adopted East Dunbartonshire Local Development Plan 2

**Wards affected:** Adjacent Ward 4 (Kilpatrick)



# Battery Storage Consultation Map



**Appendix 2 – West Dunbartonshire Consultation Response to Scottish Government Energy Consents Unit.**

**Section 36 application ref: ECU00004982 - Construction and operation of a 560MW Battery Energy Storage System with associated infrastructure, substation, security fencing, CCTV, security lighting and landscaping on Land at Cochno Road, Bearsden, East Dunbartonshire - project name Whitehall BESS.**

West Dunbartonshire Council **objects to the above proposal** as neighbouring Planning Authority. Full details of the Council's consideration of the development proposal are set out below.

**Context**

An application has been made to the Scottish Ministers under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of a battery energy storage facility with a maximum power output of 560 megawatt. The application site is located within the East Dunbartonshire local authority area and the assessment of the application proposal is undertaken via the Scottish Government Energy Consents Unit. West Dunbartonshire Council has been consulted as neighbouring planning authority with the application site lying generally to the north of the local authority boundary.

**Site description and development proposal**

Extending to approximately 29 hectares, the proposed site is situated on land at Whitehall Farm, Cochno Road, East Dunbartonshire. The site lies immediately north and east of the local authority boundary which follows the line of Cochno Road at this location. The site itself is located within the open countryside comprising part of the Green Belt as defined by the adopted East Dunbartonshire Local Development Plan 2. To the south, the site is bound by Cochno Road with Whitehill Farm located directly adjacent to the southeast of the site. To the west, the site is bound by Cochno Road along its southern extent before following the general line of Lower Stourfold Glen. The northern and eastern boundaries of the site generally cut across open land before following the existing tree line to Cochno Road. The nearest residential properties within West Dunbartonshire are the houses directly opposite the site at Edinbarnet, Cochno Road. Properties at Craigton Street, Burnbrae Street, Craighaw Street and Field Road lie around 170 metres from the southernmost boundary of the proposed site. Loansdean, Cochno Road is around 200 metres from the site.

The proposal is for a 560 MW Battery Energy Storage Facility with associated infrastructure. It is indicated that the development would have an operational lifespan of 40 years. The proposed development would comprise a number of containerised units to house battery energy storage systems and associated ancillary infrastructure. Each container will have the appearance of a standard metal ISO/shipping container and it is indicated these will be soundproof. The containers would be arranged in parallel banks, and would likely be finished in dark grey or green and would be prefabricated off-site. The containers would be accessed via an external galvanised

metal open grid walkway supported by stairs and railings. The dimensions of the containers would be approximately 2.6m x 2.4m x 12.2m (height x depth x width). The containers together with other equipment will be placed on concrete plinths. In the submitted documents that concrete will be installed in a manner which can be removed at the end of the development's life cycle, to return the land to agricultural use. The proposal would see 224 containers in total. It is further indicated that there will be 1 inverter per container and 1 transformer per 2 containers giving a total of 224 inverters and 112 transformers, arranged in formation alongside the containers. The transformers and inverters will measure approximately 2.7m x 1.4m x 2.6m, and 2.3m x 1.4m x 1.5m respectively. Underground cables would connect the facility to the grid off-site at Drumchapel and Windyhill substations. A substation measuring 3.9m x 3.7m x 13.6m is to be located in the located to the south of the site. All structures and development as laid out above will be enclosed within an acoustic fence, proposed to stand at 4m high.

A 4m wide access road will be installed, with the proposed access point to Cochno Road located on the western edge of the site. It is indicated that landscape proposals for the site will seek to enhance existing landscape features, screen views of the battery containers and enhance biodiversity.

Battery Energy Storage Solutions provide a means of allowing for the storage of energy at times when generating stations are working at full capacity which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and released when demand outstrips generation. In short, the proposed battery takes in generated electricity when there is a surplus and stores it until there is a demand for electricity which can be released to meet this demand.

The applicant has submitted a number of supporting documents with the application to the Energy Consents Unit, including a supporting planning statement, design and access statement, flood risk assessment, historic environment assessment, preliminary ecological appraisal, transport statement, noise impact assessment, battery safety management plan and landscape and visual impact assessment.

## **Appraisal**

This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989, as it is development with a generating capacity of over 50MW. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and therefore the Development Plan does not have the primacy in the determination of the application. It does, however, provide a basis for the assessment of this proposal and it is established practice to take the development plan into account in such decisions. The development plan comprises National Planning Framework 4 and adopted East Dunbartonshire Local Development Plan 2.



### Principle of Development

National Planning Framework 4 (NPF4) sets out the long-term vision for the development of Scotland through the National Spatial Strategy. NPF4 aims to meet Scotland's climate ambition which will require a rapid transformation across all sectors of the economy and society. This proposal constitutes a National Development as it supports renewable electricity generation, repowering, and expansion of the electricity grid under National Development 3: Strategic Renewable Electricity Generation and Transmission Infrastructure. NPF4 recognises that additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy. Policy 1 states that there is a need to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, whilst Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources with the purpose of the batteries to ensure there is always grid stability. As renewable energy becomes more prevalent, grid stability becomes a significant issue due to the intermittent nature of renewable energy generation.

Whilst the Council considers that the proposal could therefore be held to support the overarching aims of the NPF4 to achieve net zero targets and provide a stable domestic energy supply, it must be ensured that such development happens in the right place. Therefore, it must be assessed if there are any potential adverse impacts upon West Dunbartonshire resulting from the proposed development which would be outweighed by any benefits. Policy 11(e) of NPF4 sets out in detail the matters for the project design and mitigation to address.

### Landscape and Visual Impact and impact on the Green Belt

The site is situated within the Green Belt to the north of the settlement of Faifley. Policy 8 of NPF4 sets out the types of development that are supported within the Green Belt locations. This includes essential infrastructure and proposals that relates to the distribution and transmission of electricity grid networks fall under this definition. However, Policy 8 is clear that for development proposals in Green Belt locations, the purpose of the Green Belt must not be undermined. Policy 11 additionally seeks to encourage, promote, and facilitate all forms of renewable energy development, including energy storage and distribution infrastructure. The policy sets out a range of criteria that proposals should be assessed against to ensure the impact of the project design and mitigation is addressed. This includes ensuring there is no adverse impact on landscape and visual impact.

Policy 8 requires that the reasons why the Green Belt is essential must be provided together with why the development cannot be provided on a site outwith the Green Belt. The applicant advises that the site has been chosen due to it's proximity to appropriate grid connections. While this is accepted from a technical perspective, the applicant has not provided any analysis of other site options that were considered outside of the Green Belt and why it was not possible to locate them in an alternative place. It therefore cannot be concluded that no other suitable sites are available in a location outwith the Green Belt.

Policy 8 further requires that proposals must be compatible with the established countryside and landscape and be designed to ensure that it is of an appropriate scale, massing and external appearance to minimise visual impact upon the Green Belt. That a development of this nature would have a visual impact is not in doubt. The applicant's Landscape and Visual Impact Assessment (LVIA) acknowledges that the baseline landscape character of the site would be altered as a result of the proposed development bringing adverse effects on landscape character, during both the construction and operation phases. It is identified in the LVIA that the development would introduce built elements which would be evident in its immediate landscape setting. The Council is concerned at the potential for the industrial character of the development and the harm to the visual harm to the locality, resulting in the industrialisation of the Green Belt at this location. Whilst the proposed landscape mitigation is acknowledged, the site is in close proximity to the settlement boundary of Faifley and visually, the development will likely be viewed in the context of the adjacent settlement. It will likely have negative impacts on landscape and natural setting of the Green Belt, potentially having an adverse visual impact. Whilst the development is identified as being temporary, there are no details of decommissioning or restoration. With a possible development lifespan of up to 40 years, any impacts from the operational phase of the development will occur over a long period of time.

The Council is of the view that the applicant has not demonstrated that there are no other suitable sites available in a location outwith the Green Belt. The Council also considers that the industrial character of the development will result in visual harm to the locality resulting in the industrialisation of the Green Belt. This would not be acceptable. The development cannot, therefore, be held to be supported by Policies 8(a)(ii) and 11(e)(ii) of NPF4.

#### Impact upon the Kilpatrick Hills

Notwithstanding visual impact considerations within the Green Belt, the potential impact on the landscape character and features of the Kilpatrick Hills Local Landscape Area (LLA) must also be considered. The proposed site is approximately 270m away from the boundary of the LLA. The 'Statement of Importance', which is the evidence underpinning the LLA explains that the lower slopes of the Kilpatrick Hills contribute to its setting, by acting as an important landscape buffer. The designation contains areas of lower slopes to protect the setting of the hills, meaning the proposed development site is removed from this buffer.

The theoretical zone of visibility in the applicant's LVIA does include southern areas of the LLA. One of the special landscape qualities of the LLA is the long views across the Glasgow conurbation, which emphasise the contrast between remote uplands and developed lowlands. Visually intrusive development between the conurbations and the Kilpatrick Hills could erode this special quality. The LVIA assesses that there would be negligible impact stating the development is unlikely to be visible from the viewpoint. Further, the tree screening mitigation would further reduce the visibility once established.

Given that the site is some distance from the designation boundary and visibility is expected to be low from the LLA, the Council considers that based on the assessment within the submitted LVIA, it is unlikely there will be an adverse impact on the Kilpatrick Hills

### Ecology, biodiversity and protected species

Policy 3 of NPF4 seeks to protect biodiversity, reverse loss, deliver positive effects from development and strengthen nature networks. Policy 4 seeks to protect, restore and enhance natural assets, making best use of nature-based solutions. The policy is primarily focused on designated areas including sites designated as a local nature conservation site or landscape area. Policy 11 also requires biodiversity impact to be addressed. The applicant has submitted a preliminary ecological appraisal in support of the proposal and this primarily assesses impacts upon the proposed site. The appraisal does not identify the adjacent Local Nature Conservation Sites (LNCS) within West Dunbartonshire, as set out on the proposals map of proposed LDP2. These comprise of three LNCS areas; Edinbarnet woodlands and Wester Cochno Parkland both of which area adjacent to the proposed site, and Wester Cochno Burn.

The Council's Biodiversity Officer advises that West Dunbartonshire Council has undertaken a two year nature restoration project within the area known as Auchnacraig Estate (which is comprised of the three LNCS above), and on Faifley Knowes to the south. Both Auchnacraig and Faifley have now been connected by a new native woodland which straddles the hillside to the east of Douglas Muir Road. This has created an integrated habitat which connects the urban environment to wider Green Belt and the Kilpatrick Hills LLA. The Council's Biodiversity Officer further advises that to the northwest of the site, Glasgow University at Cochno Farm have also been carrying out a number of nature restoration works including a large scale planting programme as well as a private forestry grant development north of Duntocher.

Collectively all the work put in by the various agencies in this location has resulted in landscape and nature restoration around the proposed development site. Assessing the potential impact upon the three LNCS making up Auchnacraig Estate, Auchnacraig wood is a semi-natural broadleaved woodland with a number of veteran broadleaved and conifer trees. Parts of the woodland has been established for a long time, with parts of it thought to be ancient woodland associated with the former Auchnacraig estate. Other woodland is younger native broadleaved woodland planted over the past 20 years. Diverse semi-natural woodlands of this size and age are uncommon locally, making this site important for nature conservation. Its value is enhanced by the fact that it is located on the fringe of an urban environment where wildlife habitats tend to be small and of low diversity. The Council's Biodiversity Officer advises that the woodland will have a positive effect on the surrounding environment as it will provide a reservoir of species which can migrate into surrounding areas when conditions are suitable.

The Council's Biodiversity Officer further advises that a Phase 1 survey carried out at Auchnacraig recognised the importance of the varied mosaic habitats. Areas of wetland pockets were found throughout the Estate. The Estate features the Cochno burn from which a wildlife pond is supplied and this has also been restored for wildlife as part of the habitat restoration project. Any proposed development to the north of the site may have an impact on the hydrology of the LNCS site and this requires to be assessed.

Considering specific species, the Council's Biodiversity Officer advises that evidence of badger foraging and pine marten scat were found in 2023 surveys. Herpetofauna surveys of the pond were undertaken and include common toad in the species list. The open mosaic habitat is suitable for hedgehog and previous records of local bat surveys on the site have found both common and soprano pipistrelles as well as daubentons. Previous records of otter and watervole exist for both the Cochno and Hardgate burns. Recent watervole surveys have reconfirmed their presence at Faifley thus the development site requires to be considered for watercourse and fossorial watervole as they are within the distribution range of the proposed site.

It is therefore possible that all of the above species found within West Dunbartonshire to the immediate west and south of the site could potentially be using the proposed development site. The Council's Biodiversity Officer advises that further species specific surveys require to be carried out in respect of the proposed development site. Issues such as adverse noise, vibration, lighting and hydrology pollution are not discussed in the PEA and also require to be examined.

In terms of biodiversity enhancement, the proposed area is also a mixed habitat and wet and marshy sections should not be given over to inappropriate tree planting under the role of biodiversity enhancement, as these are valuable habitats of their own accord.

Overall, the applicant's preliminary ecological appraisal has been considered by the Council's Biodiversity Officer and this fails to identify the adjacent LNCS within West Dunbartonshire and assess the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It therefore cannot be concluded that adverse impacts would not occur within the West Dunbartonshire area. The Council does not consider that the proposal can be held to be supported by Policies 3, 4 or 11(e)(ix) of NPF4.

#### Residential amenity

There is the potential for amenity impacts to occur to residents within West Dunbartonshire, with the closest residential properties being at Edinbarnet on Cochno Road, immediately to the west of the site. Infrastructure within the site would be situated around 90 to 100 metres from these properties. Further properties lie to the northern edge of Faifley, approximately 170 metres from the proposed site. The site equipment itself is around 280 metres these residential properties in Faifley together with Loansdean on Cochno Road. The applicant, however, requests micro-siting of up to 100 metres and this could result in the proposed infrastructure being substantially closer to nearby properties than the current layout suggests. The site entrance will be taken from Cochno Road, opposite the properties at Edinbarnet.

Policy 11 of NPF4 requires that impacts on communities and individual dwellings including residential amenity, and noise are addressed. A noise impact assessment (NIA) has been submitted in support of the proposal and this has been considered by the Council's Environmental Health Service. A number of points are highlighted with respect to the noise impact assessment. It is noted that the predicted noise is higher at one receptor during the night but lower at other receptors. It is questioned whether this is correct and the cause of this requires to be clarified. It is further noted that the noise impact assessment applies a 2dB penalty for tonality being just perceptible at

the receptors. For cooling plant associated with battery storage an assessment and discussion of NR curves as per the REHIS development guide quoted in the Noise Assessment is expected. In the absence of this, it cannot be concluded that no adverse impact will occur to residential properties.

In further assessing the noise assessment, Para 4.6.2 states that mitigation is required to ensure compliance with the BS4142 assessment for daytime noise. It is not clear from the results how this conclusion has been reached and furthermore there is no discussion or suggestion of suitable mitigation and its predicted effectiveness. The Council's Environmental Health Service note that the applicant has stated that there should be flexibility around the siting of the equipment within the site boundary, with micro siting of up to 100 metres. There is no acknowledgement of this within the NIA. Any impacts from different configurations of equipment requires to be fully discussed and assessed. In the absence of this, the Council considers that it is not considered that it has been demonstrated that there will be no unacceptable impact on neighbouring amenity resulting from the operation of the development. It is not therefore considered that the potential impacts from noise are addressed in accordance with Policy 11(e)(i).

Any construction project will result in an element of noise and disturbance. In order to manage any potential noise disturbance during the construction phase of the development, in the event that consent was granted, the Council would seek a that construction work and any ancillary operations are restricted to between 8am to 6pm Monday to Friday and 8am to 1pm on Saturday. No working should be permitted on Sundays or public holidays, including local holidays within the West Dunbartonshire Council area.

#### Traffic and Road Safety

Policy 11 of NPF4 requires the impacts on road traffic to be appropriately addressed, including during construction. Access to the site will be taken from the A811 via Cochno Road which is partly within the West Dunbartonshire boundary. The site access itself will adjoin a West Dunbartonshire section of Cochno Road. A 24 month construction phase is identified and the applicant's transport statement advises that the construction phase of the development would generate around 109 two-way movements per day during the first three months (218 individual movements), with daily movements decreasing thereafter.

The applicant's Transport Statement sets out that a review of Cochno Road outlines how the carriageway has a suitable width to allow for simultaneous two-way movement, from its junction with the A810 towards the access of Law Farm. Beyond this towards the site, Cochno Road is predominantly single track, measuring circa 3.5m width. There are four formal passing places between the site and the Law Farm access, which could be used to allow small vehicles to pass in the event of conflict. Given the narrow width along sections of Cochno Road, with limited space to widen the carriageway to provide passing places for HGVs, it is proposed to stagger arrivals and departures. A detailed Construction Traffic Management Plan (CTMP) would be developed. It is advised that no HGV movements will occur at the site during peak hours, in addition to the school closing hour. It is further advised that there will be no construction vehicle movements directly to the west of the site along Cochno Road. Overall, the applicant does not consider that the proposals would result in a severe

impact upon the local road network. Once operational, the applicant anticipates between 10 and 20 vehicle trips to the site per annum.

The Council's Roads Service has considered the proposal and does not identify any issues or objections. It is noted that a detailed CTMP will be prepared by the applicant and the Council requests that in the event that the Scottish Ministers were minded to grant consent, this is conditioned including a requirement for any CTMP to be agreed with West Dunbartonshire Council due to the proximity of the site to the Council area and use of the road network within the Council area.

#### Impact upon the core path network

Policy 11 of NPF4 requires matters relating to public access including long distance walking and cycling routes and scenic routes to be suitably addressed. A variety of core paths connect Faifley to the open countryside via Cochno Road. The applicant's supporting documents identifies East Dunbartonshire core path ED/153/1 which is located to the south and east of the site and extending northeast from Cochno Road, noting that only minor visual effects would occur in respect of users of this core path. This East Dunbartonshire Core Path connects with the West Dunbartonshire Core Path network to the opposite side of Cochno Road. The applicant's submission does not consider the impact on the core path network and connections to the core path network within West Dunbartonshire. While no routes are physically interrupted by the proposal, there will be a visual and noise impact to users of the routes and the character of the routes will be changed. The Council considers that there is the potential for there to be adverse visual amenity impacts on core path users. Whilst landscape mitigation could seek to reduce the visual impact, the overall feeling of being in the wider countryside and in 'nature' would be lost should the proposal proceed. Cochno Road acts as a connection between all of these routes and the impact of construction traffic to users of these routes has not been considered or addressed. The Council does not consider that the potential impact upon the core path network has been addressed as required of Policy 11(e)(iii).

#### Flood risk

Considering matters relating to flood risk, a flood risk assessment has been submitted in support of the proposal. This does not identify the site itself as being as unacceptable risk of flooding. The proposed development is also not predicted to increase surface water runoff or flooding to the surrounding catchment. It is noted that in a consultation response to the Energy Consents Unit, SEPA offer no objection on the grounds of flood risk.

#### Built and cultural heritage

The application is accompanied by a desk-based assessment of the historic environment, which identified three heritage assets relevant to West Dunbartonshire: Edinbarnet House which is a Category B listed building, the Scheduled Monument Cochno Cup and Ring Marked Stone, and the Antonine Wall World Heritage Site buffer. Historic Environment Scotland (HES) in their consultation response to the Energy Consents Unit notes that there are no designated heritage assets are located within the development site application boundary. HES are therefore satisfied that there will not be any direct impacts. HES also specifically consider the potential for impact on both the Cochno Stone and Antonine Wall buffer zone and conclude that any impact on their setting is not likely to be significant. Being guided by the response

from HES, the Council is therefore content that there is no significant impact on historic assets within or adjacent to West Dunbartonshire. Potential archaeological matters within the site would be for the Scottish Ministers to consider.

#### Health and safety

The applicant acknowledges that there are potential hazards associated with HV electrical systems and BESS facilities, such as a fire and thermal runaway event, which could result in the formation of harmful gases. In response to this, an Outline Safety Management Plan Design has been submitted in support of the proposal. This details the operational measures, which will be included to mitigate hazards and reduce the risks to people and the environment. The key measures which will be installed to reduce risk at the BESS include the use of systems to monitor the operation of the BESS and continuously observe the temperature, voltage and other process parameters. These will immediately alert operators to potential issues. It is advised that in the event of a problem occurring, battery sections can be readily isolated automatically. A fire and gas detection system will be installed alongside conventional fire, heat and gas detectors, for the early detection of a fire event. An automatically operated fire suppression system will also be installed. It is for the Scottish Ministers to satisfy themselves that an unacceptable risk does not occur and to inform this assessment, the Council would expect the Scottish Fire and Rescue Service to be consulted on the application proposal. It is noted at the time of writing, no consultation response is available online from this organisation.

#### Site Decommissioning and Restoration

Policy 11(e)(xi) of NPF4 requires matters relating to the decommissioning of developments, including ancillary infrastructure, and site restoration to be addressed. The applicant has indicated that the intended lifetime of the proposal is 40 years, after which the facility will be decommissioned and the land restored to its former state. However no other information regarding this has been submitted. It is essential that given the type of development together with its size and location, that full details of decommissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(xi) of NPF4 are met.

In the event that the Scottish Ministers were minded to grant consent for the development, the Council considers that there is the requirement for a financial bond 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. The Council also considers that 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. In the event that consent was granted, the Council considers it essential that that this requirement is to be addressed by a condition.

## Summary and conclusions

The Council consider that proposals such as this can be held to support the overarching aims of the NPF4 to achieve net zero targets and provide a stable domestic energy supply. The support as a national development is also acknowledged. However, it remains that such development require to be sited in the right locations and the benefits of such developments require to be balanced with any potential adverse impacts.

In considering the proposal, it is concluded that no concerns arise in respect of matters relating to the impact upon the Kilpatrick Hills, flood risk, roads and traffic, built and cultural heritage, and health and safety. However, a variety of concerns do arise.

In assessing the Green Belt location to the north of Faifley, the Council is of the view that the applicant has not demonstrated that there are no other suitable sites available in a location outwith the Green Belt. The Council also considers that the industrial character of the development would be to the visual harm of the locality resulting in the industrialisation of the Green Belt. Whilst landscape mitigation is proposed, any planting would take years to develop and mature, exacerbating the visual impact within the short to medium term. This is not considered acceptable or justified. The development cannot, therefore, be held to be supported by Policies 8 and 11(e)(i) of NPF4.

Turning to the impact upon ecology, biodiversity and protected species, the applicant's preliminary ecological appraisal fails to identify the adjacent LNCS within West Dunbartonshire and assess the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It therefore cannot be concluded that adverse impacts would not occur within the West Dunbartonshire area. Turning to the impact on the core path network, while no routes are physically interrupted by the proposal, there will be a visual and noise impact to users of the routes and the character of the routes will be changed. The Council considers that there is the potential for there to be adverse visual amenity impacts on core path users. The overall feeling of being in the wider countryside and outwith the built-up area would be lost. Cochno Road also acts as a connection between the various core path routes at this location and the impact of construction traffic to users of these routes has not been considered or addressed. The development cannot, therefore, be held to be supported by Policies 3, 4 and 11(e)(iii) and (ix)

With regard to residential amenity, the Council does not consider that it has been demonstrated beyond doubt that there would be no impact upon residential amenity within West Dunbartonshire by way of noise. Finally, the Council considers it essential that given the type of development together with its size and location, that full details of de-commissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(i) of NPF4 are met.

West Dunbartonshire Council therefore **objects** to this proposal due to the above concerns relating to the Green Belt location of the development, visual impact, impact upon ecology, biodiversity and protected species, potential impact upon the users of the core path network, potential impact upon adjacent residential amenity and the failure to provide a decommissioning and restoration scheme. The Council does not



consider that the benefits of the proposed development outweigh any adverse impacts to the adjacent West Dunbartonshire area.