

**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.**

Having fully reviewed the additional and updated details submitted, West Dunbartonshire Council is now able to provide a further updated consultation response which no longer raises an objection to the above proposal as neighbouring Planning Authority. Full details of the Council's consideration of the additional and updated details 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 was previously consulted as neighbouring planning authority with the application site lying generally to the north of the local authority boundary. Following consideration of the proposal by the Council's Planning Committee on 8<sup>th</sup> May 2024, the Council issued a consultation response to the Scottish Ministers on 13<sup>th</sup> May 2024.

The Council objected to the proposal due to the 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 did not consider that the benefits of the proposed development outweigh any adverse impacts to the adjacent West Dunbartonshire area.

Following the submission of the Council's objection, a revised proposal together with a range of additional and updated supporting documents was submitted to the Scottish Ministers. These details included a revised site layout, revised equipment details, revised planting layout, a Landscape Statement, an updated Landscape and Visual Assessment, an updated Noise Impact Assessment and an Archaeological Investigation. Following consideration of the revised proposal by the Council's Planning Committee on 11<sup>th</sup> December 2024, the Council issued an updated consultation response on to the Scottish Ministers on 13<sup>th</sup> December 2024.

In the updated consultation response, the Council considered that some aspects of the concerns which formed part of the original objection had been addressed, including visual impact and the impact upon residential amenity. However, the Council considered that the applicant failed to address other concerns relating to the Green Belt location of the development, impact upon ecology, biodiversity and protected species and the failure to provide a decommissioning and restoration scheme.

Following the submission of the Council's updated consultation response, further supporting information has been received from the applicant in respect of the need for the Green Belt location together with an updated Preliminary Ecological Appraisal. The applicant also provides clarification on the approach to de-commissioning and restoration proposals. The Council has reviewed the further supporting information relating to the proposal as set out below. For the avoidance of doubt, this updated response is based solely on the further supporting information emailed to the Council on 15<sup>th</sup> January 2025.

This updated response requires to be read in conjunction with both the Council's original consultation response dated 13<sup>th</sup> May 2024 and updated second response dated 13<sup>th</sup> December 2024. The Council's position in relation to the impact upon the Kilpatrick Hills, traffic and road safety, flood risk, built and cultural heritage, and health and safety was set out in the response dated 13<sup>th</sup> May 2024. Whilst there was no objection from the Council in respect of these matters, a number of points were highlighted and the position regarding these matters stand. In the response dated 13<sup>th</sup> December, the Council was able to remove its objection relating to landscape and visual impact, residential amenity and the impact upon the core path network, but highlighted a number of points and again, the position regarding these matters also stand. It remains that if the Scottish Ministers were minded to grant consent, the Council would expect the Council's comments to be taken into account.

This updated response focuses on the Council's previous points of objection relating to the Green Belt location of the development, impact upon ecology, biodiversity and protected species and the failure to provide a decommissioning and restoration scheme.

### **Site description and development proposal**

There is no change to the application site or the detail of the proposal since the Council's most recent response of 13<sup>th</sup> December 2024. It remains that the site extends to approximately 29 hectares and 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. It remains that as per the original proposal, the development would comprise a number of containerised units to house battery energy storage systems and associated ancillary infrastructure. Each container will have the appearance similar to ISO/shipping container 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 and include external air conditioning units. The equipment will be provided in 64 banks of 6 units and the development will feature a control room, sub-station compound, sub-station building. Separate switchgear compounds are no longer proposed. The access point to the development also remains located on Cochno Road, to the western edge of the site.

### **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. As highlighted in previous responses 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

There is no change to the position of National Planning Framework (NPF) 4 since the Council's previous consultation response and it remains that 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.

As set out in the previous responses, the Council considers that the proposal could be held to support the overarching aims of the NPF4 to achieve net zero targets and provide a stable domestic energy supply, but 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.

#### Location within the Green Belt

In originally considering the proposal, it was noted that 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 8 further requires that the reasons why the Green Belt location is essential must be provided together with why the development cannot be provided on a site outwith the Green Belt. It was previously acknowledged that the site has been chosen due to it's proximity to appropriate grid connections. It is accepted that there is a requirement for battery storage sites to be located close to a viable grid connection with sufficient capacity to import and export power. In this case, while this is accepted from a technical perspective and the proximity of the site to both the Drumchapel sub-station and Windyhill sub-station which lie 3.17kms and 560m to the south east respectively is acknowledged, the Council was of the view that the applicant failed to provide 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. Accordingly, it therefore could not be concluded that no other suitable sites are available in a location outwith the Green Belt.

In support of the proposal, the applicant has provided an additional supporting statement focusing on the location and siting of the development within the Green Belt. The applicant sets out that the distribution and transmission of electricity grid networks fall under the definition of essential infrastructure in NPF4 and this definition has been determined to include battery energy storage systems. This is not disputed and it is acknowledged that essential infrastructure is a type of development which can be supported, in principle, within the Green Belt as set out in the Council's previous responses. The applicant further sets out that Battery Energy Storage developments have very specific locational requirements, which severely limits where they can be sited. It is advised that battery energy storage systems must be located within proximity of a viable grid connection that has sufficient capacity to import and export the power that will be stored by the development. Suitable points of connection include a sub-station or an overhead power line, however, the applicant advises that the ability to find connections with sufficient capacity is severely limited and not every sub-station has the capacity for such a connection. The applicant goes on to advise that in many cases, the work

required to upgrade the sub-station can render many schemes unviable. In this case, there is capacity for a viable connection at the Windyhill sub-station.

The applicant further sets out that where a suitable connection can be found, a number of other factors require to be taken into consideration. This includes the distance from a sub-station or connection point as the level of efficiency of the site reduces the further away from the connection it lies. In addition, land ownership is also a notable consideration as without a willing landowner, a development cannot take place. The applicant has identified a search area of a 1.1km radius of the Windyhill sub-station and notes that no sites outwith the Green Belt are available to allow this grid connection to be utilised.

Having considered the additional information from the applicant, it is identified that the location of this development is dictated by the available grid connection at Windyhill sub-station and that no alternative locations outwith the Green Belt are available without requiring a connection over a large distance. It is therefore accepted that there is a locational requirement to site the development within this Green Belt location to allow the available grid connection to be utilised.

Policy 8 of NPF4 goes on to require developments not to undermine the Green Belt, be compatible with the surrounding landscape, have an appropriate scale, massing and appearance and ensure no significant long-term impacts. The Council concluded that the revised proposal considered in its consultation response of 13<sup>th</sup> December was acceptable with reference to the scale of the development, landscape and visual impact, landscape screening and the separation from the settlement boundary of Faifley. The Council set out in the previous response that the development is no longer considered to be viewed in the context of the adjacent settlement. An industrialisation of the Green Belt at this location was also not longer of such a concern that an adverse impact will occur to the West Dunbartonshire Area which outweighs the benefits of the development in respect of the contribution to renewable energy targets.

Overall, it is considered that the Green Belt location has been adequately justified and the impact within the Green Belt can be considered acceptable with reference to Policy 8 of NPF4.

#### 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's preliminary ecological appraisal was previously considered by the Council's Biodiversity Officer and this failed 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 could not be concluded that adverse impacts would not occur within the West Dunbartonshire area. Accordingly, the Council did not consider that the proposal could be held to be supported by Policies 3, 4 or 11(e)(ix) of NPF4.

The applicant has provided an updated preliminary ecological appraisal which now considers the three LNCS within the West Dunbartonshire area adjacent to the site; Wester Cochno Parkland, Wester Cochno Burn and Edinbarnet Woodland. The appraisal sets out an understanding of the interest features, species and reasons for the designation together with the potential cross boundary impacts from the development. The Council's Biodiversity officer has considered the updated submission and is satisfied that the three LNCS locations have now been included and considered and the applicant. The Biodiversity Officer further acknowledges that consideration has been given to the potential for water vole within watercourses which was specifically highlighted by the Council in the original consultation

response, together with a general requirement for pre-construction surveys. It is therefore considered that the concerns regarding the lack of consideration of the three LNCSs within the West Dunbartonshire area and potential for cross boundary impacts is addressed.

The original consultation response also set out the advice from the Councils Biodiversity Officer 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 advised 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. 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.

Should the Scottish Ministers be minded to grant consent for the development, the Council requests that they satisfy themselves that the final detail of the proposed landscape mitigation and planting compliments the work in the surrounding area set out above. This includes ensuring that in terms of biodiversity enhancement, areas which currently comprise a mixed habitat and wet and marshy sections are not given over to inappropriate tree planting solely under the role of biodiversity enhancement, as these are valuable habitats of their own accord.

Overall, the applicant's updated preliminary ecological appraisal has been considered by the Council's Biodiversity Officer and now satisfactorily considers the adjacent LNCS within West Dunbartonshire and assess the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It can therefore now be concluded that significant adverse impacts should not occur within the West Dunbartonshire area. The proposal can therefore be considered acceptable with reference to Policies 3, 4 and 11(e)(ix) of NPF4.

#### 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, it was identified in the Council's previous responses that no other information regarding this has been submitted and this raised concerns.

As previously noted, the applicant's Supporting Statement sets out that at the end of the operational period the site will be decommissioned and the land restored to its former state. The updated LVIA also advises that following the completion of the operational phase, the components of the battery storage may be removed and landscape effects potentially reversed. Whilst there is thus a commitment from the applicant, it remains that there is a question over the extent of any decommissioning and a clear commitment to the approach to decommissioning and restoration.

In response to the concerns raised, the applicant has set out that that is common practice for decommissioning of such sites to be addressed by condition with detailed decommissioning information and a restoration bond to be agreed prior to the commencement of any works on site. Examples of other, similar development proposals which have consented by the Scottish Ministers within Renfrewshire are given, and these take such an approach. The Council

further notes that for a recently consented development in Inverclyde, the same approach was also taken.

It remains the Council's preference that that given the type of development together with its size and location, that details of the approach to decommissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(xi) of NPF4 are met. Thereafter, the detail and implementation of the decommissioning and restoration scheme can be addressed by condition. It is, however, accepted that such a position is at odds with the approach taken by the Scottish Ministers in determining similar developments. It is disappointing that it appears to be established practice that the approach to decommissioning and site restoration is addressed by condition rather than being considered up front.

The Council considers that any restoration scheme would require to be of an extent that achieves a complete reversal of any landscape harm that occurs. Given the extensive cut and fill proposed to accommodate the development, the restoration would require to include substantial ground works to ensure the restoration of the landform to its original profile following the removal of all hardstanding, infrastructure and equipment. In the event that the Scottish Ministers are minded to grant consent for the development, a robust condition(s) to address all aspects of site decommissioning and restoration would be required, and the Council would expect any such condition(s) to be clear that the decommissioning and restoration scheme must ensure the complete removal of all aspects of the development and the restoration of the landform within the site to its current pre-development profile.

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.

In the event that the Scottish Ministers were minded to grant consent for the development, the Council further 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.

Whilst the Council's preference remains for the approach to decommissioning and site restoration to be provided upfront with the the detail and implementation of the decommissioning and restoration scheme then addressed by condition, it is accepted that this is at odds with the established approach to other similar developments. It is accepted that the decommissioning and site restoration can be secured by condition. Any such condition(s) must be suitably robust to ensure that the de-commissioning and site restoration scheme results in the complete removal of all aspects of the development and the restoration of the landform within the site to its current pre-development profile. A condition relating to the decommissioning of the site should it cease to export electricity to the grid for in excess of 12 months is also required as is a bond or other financial provision to provide sufficient funds for the decommissioning and restoration of the site should such be required. With such an approach, the Council would consider that the development meets the requirements Policy 11(e)(xi) of NPF4.

## Landscape and Visual Impact, Residential Amenity, and the Impact on the Core Path Network

The Council's position on these matters remains as per the response dated 13<sup>th</sup> December 2024.

## Impact upon the Kilpatrick Hills, Traffic and Road Safety, Flood Risk, Built and Cultural Heritage, and Health and Safety

The Council's position on these matters remains as per the response dated 13<sup>th</sup> May 2024.

### **Summary and conclusions**

As set out in the Council's most recent consultation response dated 13<sup>th</sup> December 2024, concerns remained in respect of the Green Belt location not being justified, the impact upon ecology, biodiversity and protected species, and the lack of an approach to de-commissioning and site restoration.

Considering the Green Belt location, the applicant has provided additional details to justify the Green Belt location and why there are no suitable sites for this development outwith the Green Belt. The Green Belt location is required to take advantage of the availability of a grid connection at Windyhill sub-station. The distance of such developments from the grid connection is also an important consideration as the level of efficiency of the site reduces the further away from the connection it lies. Accordingly, the applicant has identified a 1.1km search area from the available connection in which no suitable sites exist outwith the Green Belt. It is now considered that the Green Belt location has been adequately justified, there are no suitable sites outwith the Green Belt which can take advantage of this connection and the impact within the Green Belt can be considered acceptable with reference to Policy 8 of NPF4.

Turning to the impact upon ecology, biodiversity and protected species, the applicant's updated preliminary ecological appraisal has been considered by the Council's Biodiversity Officer and now satisfactorily considers the adjacent LNCS within West Dunbartonshire and assesses the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It can therefore be concluded that significant adverse impacts should not occur within the West Dunbartonshire area. Whilst it is expected that the Scottish Ministers fully consider the appropriateness of the proposed planting and landscape mitigation within the site and ensure that it compliments the surrounding area, the Council is of the view that the proposal can now be considered acceptable with reference to Policies 3, 4 and 11(e)(ix) of NPF4.

Finally, whilst the Council preference remains for the approach to de-commissioning and site restoration to be provided upfront with the detail and implementation of the de-commissioning and restoration scheme then addressed by condition, it is accepted that this is at odds with the established approach to other similar developments. It is accepted that the de-commissioning and site restoration can be secured by condition and any such condition(s) must be suitably robust to ensure the complete removal of all aspects of the development and the restoration of the landform within the site to its current pre-development profile. A further condition can also ensure early decommissioning should the site cease to export electricity to the grid for in excess of 12 months. A financial provision to provide sufficient funds for the decommissioning and restoration of the site should such be required must also be secured. With such an approach, the Council would consider that the development meets the requirements Policy 11(e)(xi) of NPF4.

Following a full assessment of the further and updated details relating to the Council's outstanding concerns which formed the previous objection, it is concluded that these concerns have now been addressed satisfactorily. Whilst the Council no longer objects to the proposal,

a variety of points are, however, set out in this response together with the two previous responses dated 13<sup>th</sup> December 2024 and 13<sup>th</sup> May 2024 and it is expected that the Scottish Ministers fully consider and address these in the event that they are minded to grant consent. For the avoidance of doubt, all three responses require to be read in conjunction with each other.