

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 updated and revised details submitted, West Dunbartonshire Council **maintains an objection** to the above proposal as neighbouring Planning Authority. Full details of the Council's consideration of the updated 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 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 11th May 2024, the Council issued a consultation response to the Scottish Ministers on 13th 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 have been submitted to the Scottish Ministers. These details include 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.

The Council has reviewed the updated details and proposal as set out below. The Council notes that a variety of supporting documents have not been updated to take account of the revised proposal including the applicant's design statement and supporting planning statement. An updated description of the development has not been set out and as no documents have been superseded within the online case file, the Council does not consider it to be clear what the proposal currently comprises. The updated Landscape and Visual Impact submission has been Emailed to the Council but at the time of writing does not form part of the online case file. Its status is therefore uncertain.

For the avoidance of doubt, this updated response is based solely on the updated submission and documents received since the Council's previous response was issued on 13th May 2024, including the Landscape and Visual Impact Assessment received by Email.

This updated response requires to be read in conjunction with the Council's original consultation response dated 13th May 2024. There is no change to the in relation to the impact upon the Kilpatrick Hills, traffic and road safety, flood risk, built and cultural heritage, and health and safety. 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. 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, 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.

Site description and development proposal

There is no change to the application site itself and it remains that this 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 dimensions of the containers have been amended from being 2.6m x 2.4m x 12.2m, to being 2.9m x 2.4m x 6.1m (height x depth x width). Power conversion system (PCS) units are of the same size and take a similar appearance.

No updated description of the equipment to be located on site has been provided. However, from the updated site plan, it is clear that the equipment will be provided in 64 banks of 6 units. It remains that the proposal 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.

In an effort to reduce the potential for adverse landscape and visual impacts and address the concerns raised in the consultation responses, the applicant has revised the proposed site layout. The revised site layout reduces the overall development footprint by utilising a more efficient battery system and also a reduction in the developed footprint of the sub-station area. The revised site layout increases the offsets of the development from the site boundary and this allows for additional landscape buffers ranging from 30 metres to 65 metres in depth, with built elements and fence lines set well back from the edge of the site. This allows the applicant to propose additional mitigation planting proposals in an attempt to screen the development

within the landscape from those to the south and south east of the site, including those utilising the core path to the east 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. 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. 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.

As set out in the previous response, 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.

Landscape and Visual Impact and impact on 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 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. It was previously acknowledged that the site has been chosen due to its 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 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. No additional supporting documentation has been submitted by the applicant in this respect. It therefore remains that it 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. In assessing the original proposal, the Council considered that the industrial character of the development will result in visual harm to the locality resulting in the industrialisation of the Green Belt and that this would not be acceptable.

In an effort to address the potentially adverse visual impact resulting from the development, a revised site layout which reduces footprint and massing of the development has been submitted by the applicant. The revised site layout also moves the developed area away from the site boundaries and sensitive visual receptors, including nearby residential properties in Faifley to the south. Additional landscape mitigation is proposed in the form of extensive planting. It remains, however, that a development of this nature would have a visual impact and this is not in doubt. The applicant has provided a Landscape Statement together with an updated Landscape and Visual Impact Assessment (LVIA) which is reflective of the revised proposal. It remains that the area is identified as currently having a rural characteristic with significant woodland vegetation, notably including linear bands of trees and woodland associated with local watercourses and burns, together with blocks of woodland. Despite the amended proposal, the applicant's updated LVIA acknowledges that the baseline landscape character of the site would still be altered as a result of the proposed development and this would have an impact upon landscape character, during both the construction and operation phases.

The Council was previously 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 was acknowledged, the site is in close proximity to the settlement boundary of Faifley and visually, the development as previously proposed would likely have been viewed in the context of the adjacent settlement.

The revised proposal sees a reduction in the development footprint within the wider application site. The applicant's updated LVIA notes that approximately 6 hectares of the wider site will be developed, with the remaining 75% of the site retained as green infrastructure. The battery storage infrastructure will be surrounded in its entirety with new native woodland planting and this will create a significant visual buffer once established, and link to other woodland areas in the vicinity of the site. To the south and southwest of the site open areas will be retained and seeded with a mix of grasses and wildflowers. New hedgerow planting will be

provided to Cochno Road together with a stone wall. Hedgerow planting is also proposed to an open section of the eastern boundary along the core path.

It remains the case that landscape and visual impacts will occur during the construction phase and this is accepted. During the early years of the operational phase, the new landscape works will not yet be established and there will be limited screening of the site. Notwithstanding this, the reduction in the development area will ensure that the visual impact within the landscape at this time is reduced in comparison to the original proposal. The LVIA identifies that by 15 years, planting will have established providing screening of the development within the wider landscape. Where views are still available, the development would be seen with a well wooded backdrop.

Policy 11(e)(ii) of NPF4 explicitly accepts localised significant landscape and visual impacts and in this respect the position is thus weighted towards development's contribution to renewable energy targets. 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 solutions such as this proposal allows energy to be stored during peak renewable generation periods and released when demand outstrips generation, thus contributing to renewable energy targets. Whilst landscape and visual impacts will still arise from the revised proposal, the reduced development footprint, enhanced landscape mitigation and additional separation from the settlement boundary of Faifley reduces the impact. The development is no longer considered to be viewed in the context of the adjacent settlement and an industrialisation of the Green Belt at this location is 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.

The Council does, however, expect that in the event that the Scottish Ministers are minded to grant consent, robust conditions are applied to ensure the implementation, retention and maintenance of the planting and landscape mitigation proposed.

Notwithstanding the updated position relating to the potential for landscape and visual impact, it remains that the applicant has not considered or addressed the Council's previous point of objection relating to the failure to demonstrate that there are no other suitable sites available for such a development in a location outwith the Green Belt. If an alternative location was available, no landscape and visual impact would result in the proposed location. Accordingly, the development cannot currently be held to be supported by Policy 8(a)(ii) 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.

No updated surveys or information have been received in respect of the points raised in the Council's previous consultation response and the position of the previous response with respect to ecology, biodiversity and protected species and potential impact within the West Dunbartonshire Area remains.

Residential amenity

As per the previous response, there is the potential for amenity impacts to occur to residents within West Dunbartonshire. The revised site layout results in the developed area being marginally further away from the closest residential properties being at Edinbarnet on Cochno Road together with properties in Faifley.

Policy 11 of NPF4 requires that impacts on communities and individual dwellings including residential amenity, and noise are addressed. A noise impact assessment (NIA) was submitted in respect of the original proposal and this was considered by the Council's Environmental Health Service. A number of points and inadequacies were highlighted in respect of the noise impact assessment and it could not be concluded that no adverse impact would occur to residential properties. The proposed micro siting of up to 100 metres was not acknowledged within the NIA and there was no consideration of the impacts from different configurations of equipment. The Council could not conclude that it had been demonstrated that there would be no unacceptable impact on neighbouring amenity resulting from the operation of the development and raised concerns in this respect.

An updated Noise Impact Assessment has been submitted. This has been reviewed by the Council's Environmental Health Service who advise that they are happy to accept the findings of the report and that noise disturbance would not occur and no noise mitigation is necessary. It is further noted that the NIA no longer refers to any flexibility in the layout of siting of the units within the development. Accordingly, the development requires to be completed in the same configuration as was used to model the noise data (i.e. the updated site layout on which the revised NIA was based). It is noted that as the applicant's planning supporting statement has not yet been updated to take into account the revised proposal and still makes reference to micro-siting of up to 100 metres. The Council advises that there requires to be an updated submission which removes this reference.

As with any modelled noise data for an NIA, Environmental Health recommend post installation verification checks that the actual noise levels correlate with what was modelled. The Council would request such an approach is required via condition in the event that the Scottish Ministers are minded to grant consent. The Council's position in respect of hours of work during the construction phase remains as per the original response.

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. The Council's previous response noted that a variety of core paths connect Faifley to the open countryside via Cochno Road. The applicant's supporting documents identified that 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 did 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 is the potential for visual and noise impact to users of the routes, and a change to the character of the routes.

With the reduction in the developed area of the site together with additional landscape mitigation proposed, it is considered that the visual amenity impacts on core path users would now be acceptable. It remains, however, that Cochno Road acts as a connection between all of the core path routes at this location and there is still no consideration of the impact of construction traffic to users of these routes. A robust construction traffic management plan which has a specific focus on the impact upon all users of Cochno Road including those connecting between core path routes would be required, with safe routes established for such

connections during construction. In the event the Scottish Ministers were minded to grant consent for the development, the Council considers that such an approach is imperative to allow it to be concluded that the potential impact upon the core path network has been addressed as required by Policy 11(e)(iii).

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 noted in the Council's previous response that no other information regarding this has been submitted.

It remains that no additional details relating to decommissioning has been provided. 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 advises that following the completion of the operational phase, the components of the battery storage may be removed and landscape effects potentially reversed, and this leaves a question over the extent of any decommissioning. Whilst it is accepted that the provision and implementation of a detailed restoration scheme could be addressed by an appropriate legal agreement or condition, the Council remains concerned at the lack of a clear commitment in respect of the decommissioning and restoration of the site, and an overall approach for this. 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. The Council considers that it is essential that given the type of development together with its size and location, that details of the approach to de-commissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(xi) of NPF4 are met.

It remains that 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.

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 13th May 2024.

Summary and conclusions

In the original consultation response, the Council set out that it considered that 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. A variety of concerns did arise.

A revised proposal with updated LVIA has been submitted by the applicant. Following full consideration, it is concluded that whilst landscape and visual impacts will still arise from the revised proposal, the reduced development footprint, enhanced landscape mitigation and additional separation from the settlement boundary of Faifley reduces the impact. The development is no longer considered to be viewed in the context of the adjacent settlement and an industrialisation of the Green Belt at this location is 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. It remains that the applicant has not considered or addressed the Council's previous point of objection relating to the failure to demonstrate that there are no other suitable sites available for such a development in a location outwith the Green Belt. If an alternative location was available, no landscape and visual impact would result in the proposed location. Accordingly, the development cannot currently be held to be supported by Policy 8(a)(ii) of NPF4.

Turning to the impact upon ecology, biodiversity and protected species, no updated surveys or information have been received in respect of the points raised in the previous consultation response and the position of the previous response with respect to ecology, biodiversity and protected species and potential impact within the West Dunbartonshire area. It therefore remains that it cannot be concluded that adverse impacts would not occur within the West Dunbartonshire area. The development cannot, therefore, be held to be supported by Policies 3, 4 and 11(e)(iii)(ix).

Considering the impact on the core path network, with the reduced development footprint together with enhanced landscape mitigation, it is considered that the visual amenity impacts on core path users would now be acceptable. It remains that Cochno Road 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. However, the Council could accept this matter being addressed as part of a comprehensive construction traffic management plan in the event that consent was to be granted.

With regard to residential amenity, the Council considers that the updated NIA now demonstrates that there will be no impact upon residential amenity within West Dunbartonshire by way of noise. This is based on the position of the NIA which no longer refers to any flexibility in the layout of siting of the units within the development. Accordingly, the development requires to be completed in the same configuration as was used to model the noise data (i.e. the updated site layout on which the revised NIA was based).

Finally, it remains that the Council considers it essential that given the type of development together with its size and location, that details of de-commissioning and site restoration are provided to ensure that the requirements of Policy 11(e)(i) of NPF4 are met. There are no further submissions in this respect since the Council's previous response.

Some aspects of the Council's concerns which formed part of the previous objection have been addressed, including visual impact and the impact upon residential amenity. However, the applicant has failed to address other concerns and West Dunbartonshire Council therefore **maintains its objection** to this proposal with reference to the above 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.