

Report

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1214
Proposal:	Installation of 50MW battery energy storage facility (BESS) with associated infrastructure
Site Address:	Land south-east side of Seath Road Rutherglen G73 1RW
Applicant:	GPC 016 Ltd
Agent:	Paul Booth, AAH Planning Consultants
Ward:	12 – Rutherglen Central and North
Application Type:	Full Planning Permission
Advert Type:	Schedule 2 Non-notification of neighbours Schedule 3 Bad Neighbour Development Rutherglen Reformer 11 th October 2023
Development Plan Compliance:	No
Departures:	Not applicable
Recommendation:	Refuse
Legal Agreement:	Not applicable
Direction to Scottish Ministers	No

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site consists of a level area of vacant ground extending to approximately 0.61 hectares, located to the southeast of Seath Road at its junction with Ashton Road, Rutherglen. The site was formerly occupied by buildings utilised as a waste material recycling centre, which were demolished approximately 5 years ago.
- 2.2. The surrounding area contains a mixture of industrial and commercial premises with the River Clyde located approximately 50 metres to the north west. It should be noted that the site is identified as being within the Clyde Gateway (Shawfield) Strategic Economic Investment Location (SEIL), where proposals for business and financial services / distribution and logistics are promoted.
- 2.3. The site is currently accessed from 2 separate gated vehicular access points, one on Seath Road and one from Ashton Road.

3. Description of Proposed Development

- 3.1. Detailed planning permission is sought for a period of 40 years for the construction and operation of a Battery Energy Storage System for the storage of electricity. This would involve the siting of up to 20 battery storage containers, ancillary infrastructure, an additional storage container, a client substation and control room, a Distribution Network Operators (DNO) building, an access road and car parking area, vehicular access gates and security fencing, CCTV and security lighting.
- 3.2. Vehicular access to the site is proposed to be taken from a new internal access road proposed and 3 no. parking spaces within the site are also proposed. The proposed batteries are to have a storage capacity of up to 50 megawatts (MW). The site would be secure and includes equipment to allow 24 hour monitoring of the facility remotely.
- 3.3. The proposed battery storage units are to allow 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 now a critical issue for grid stability.
- 3.4. Battery storage allows energy to be stored during peak renewable generation periods and allows it to be released when demand outstrips generation. In summary, the proposed batteries take in generated electricity when there is a surplus and store it until there is a demand for electricity which can be released to meet this demand. The proposed batteries would be fed from and transmit back to the existing Dalmarnock Grid Supply Point, located approximately 700 metres to the east of the application site.
- 3.5. The energy stored within the batteries will be from all available power generation sources.

4. Relevant Planning History

- 4.1. An application for planning permission (CR/01/0136) was granted on 20 November 2001 for the use of a former milk bottling / distribution depot on the site for the recycling of waste material, with associated external storage. This consent was implemented, however, ceased operating from the site over 10 years ago, with all existing structures demolished and the site cleared approximately 5 years ago.

- 4.2. In 2012 an application (CR/12/0099) was made for infrastructure improvements, remediation of contamination and creation of development platforms for class 4 (Business), class 5 (industrial), class 6 (storage/distribution) and office uses along with ancillary commercial, leisure and retail uses with selective demolition of existing buildings and associated works on a significantly larger site that included the current application site. Consent was granted for these works in December 2012; however, it is understood that no actual remediation of the contaminated land suspected to be on the area occupied by the current application site has taken place.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a Planning Supporting Statement, Design and Access Statement, Flood Risk Assessment, Heritage Assessment, Transportation Statement, Pre Application Consultation report, Preliminary Ecological Appraisal, Noise Assessment, Ground Conditions Phase 1 Environmental Site Assessment Report, Viability Assessment and Impact Scenario of Contaminated Land and a previously prepared 2019 Ground Investigation Report. In addition, a legal opinion addressing planning policy issues has also been submitted by the applicants. All of these documents have been taken into consideration during the assessment of the application.

6. Consultations

- 6.1. Environmental Services – advise that they have been in ongoing discussions with the applicant's agent, primarily in respect of the issue of contaminated land. Environmental Services have advised that whilst the contents of the phase 1 report submitted have been noted, the site is within the Shawfield Remediation Area where all applications require to be supported by sufficient land contamination information to satisfy legislative requirements. In response to this the agent has submitted a copy of a 2019 Ground Investigation Report. Environmental Services have further advised that this report is not acceptable, in particular, chromium deposits have not been adequately quantified and a hydrology assessment has not been submitted. As a result, the likelihood of potential pollution of the water environment has not been adequately quantified.

In addition, Environmental Services have advised that in terms of the Noise Assessment, the baseline measurements used for the Noise Impact Assessment submitted with the application are not acceptable.

Response: Noted. This matter is assessed in section 10 of the report.

- 6.2. Roads Development Management Team – Advise that the general impact of the development proposed is suitable at this location, subject to the attachment of a number of planning conditions covering the formation of the new access road, reinstatement of the footway along Ashton Road, provision of visibility splays and the submission of a Traffic Management Plan (TMP).

Response: All noted, relevant conditions may be attached to any approval Committee is minded to grant.

- 6.3. Roads Flood Risk Management – no formal response to date, however, have been having ongoing discussions with the agent over the need to submit an updated flood risk assessment to take cognisance of the latest River Clyde flood study outputs and signed appendices. An amended Flood Risk Assessment has been submitted.

Response: Noted.

- 6.4. Scotland Gas Network – no adverse comments or objections to the application.

Response: Noted.

7. Representations

7.1. Following the statutory period of neighbour notification and advertisement in the local paper, one representation (objection) has been received. The issue raised is as follows:-

- ◆ issues of potential chromium waste within the site that may be disturbed by any approved building works

The above issue will be considered in the assessment below and a full copy of the representation is available to view on the planning portal.

8. Development Plan

8.1. Under 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. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 11 - Energy
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 26 - Business and industry

8.3. South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 18 - Renewable Energy
- ◆ Policy DM1 - New Development Design
- ◆ Policy DM20 - Supporting Information
- ◆ Policy RE1 - Renewable Energy
- ◆ Policy SDCC1 - Vacant, Derelict and Contaminated Land
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy ICD1 - Strategic Economic Investment Locations

9. Guidance

- 9.1. On 27 August 2020, the Scottish Government's Chief Planner issued a letter in relation to electricity storage and the consenting regime. In this letter the Chief Planner stated that the Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station.

10. Assessment and Discussion

- 10.1. Detailed planning consent is sought for the erection of a 50 MW battery energy storage facility (BESS) and associated infrastructure on the site. The policies contained within National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2. In terms of the adopted National Planning Framework 4, Policies 1 and 2 seek to encourage, promote, and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are considered to be for a form of renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is, therefore, considered that the principle of the development accords with Policies 1 and 2 of NPF4 and SLLDP Policy 2.
- 10.3. As noted above, battery storage falls within the definition of essential infrastructure set out in NPF4. As a result, Policy 11 – Energy is relevant. It states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. Detailed criteria that should be taken into account when designing projects are set out and, when considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. However, proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- 10.4. SLLDP2 Policy 18 'Renewable Energy' is an overarching renewable energy policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of SLLDP2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape Capacity for Wind Energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant SLLDP2 Policies. It is noted that the majority of this guidance relates to wind turbines, however, the relevant development management criteria have been assessed.
- 10.5. The application site is on land designated in SLLDP2 as being within the Clyde Gateway Strategic Economic Investment Location (SEIL). SEILs are identified as the priority locations to promote the Scottish Government's key economic sectors. Policy 8 'Employment' sets out the categories of employment land uses that will be appropriate. For the Clyde Gateway SEIL these are described as the key sectors of business and financial services and distribution and logistics. Further Policy ICD1 'Strategic Economic Investment Locations' states that other proposals may be actable where they:-

- ◆ Create significant new class 4/5/6 employment opportunities.
 - ◆ Involve the creation of strategic office developments.
 - ◆ Are identified in the Council's Economic Strategy.
 - ◆ Provide essential ancillary services or services for businesses within the SEIL.
- Proposals should be accompanied by a business plan demonstrating the viability of the business and justifying its location in a SEIL.

In addition, Policy 26 Business and Industry in NPF4 states that development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.

- 10.6. Battery storage does not represent an acceptable land use within the designated SEIL. Specifically, in terms of Policy ICD1 the proposal would not create new Class 4/5/6 employment opportunities; does not involve the creation of strategic office developments; or represent a use identified in the Council's Economic Strategy. In addition, the siting of a battery storage system at this site has not been shown to be necessary to serve other businesses in the SEIL.
- 10.7. The purpose of the SEIL is, by its very definition, to promote development of new businesses and industries in key employment sectors. Significant funding has recently been allocated to decontaminate the wider Shawfield area which in turn is intended to facilitate the regeneration of this prime employment land location. The loss of any part of this key inward investment opportunity is contrary to the spatial strategy for the Council's area. In addition, NPF4 Policy 11 requires proposals to maximise net economic impact, such as employment and associated business and supply chain opportunities. The battery storage project would not create any employment other than during the construction period whereas it would prevent the creation of longer term employment.
- 10.8. Policy 3 'General Urban Areas and Settlements' requires particular consideration of developments in relation to the existing amenity of the surrounding area and requires development proposals within settlements to accord with other relevant policies in the development. Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within SLLDP2 Policy DM1 'New Development Design'. In this instance, and given the nature of the proposals, the design proposed is functional in form and involves the siting of up to 20 containers to house the batteries. The containers are approximately 2.6 metres in height with the Distribution Network Operators (DNO) control building being the tallest structure at 4.5 metres high. It is considered that the scale of the proposals is acceptable for the site, given the existence of a number of larger industrial buildings within the local surrounding area. It is therefore considered that the design of the proposals would not be detrimental to the surrounding area.
- 10.9. In terms of the impact the proposals would have on the amenity of the area, it is noted that they would not emit any gases as part of the process and are in essence similar in nature to electricity substations. It is considered that the minimal traffic movements associated with the proposal means that any other potential impacts on air quality will be negligible.
- 10.10. The application site is also subject to an assessment against Policy SDCC1 'Vacant, Derelict and Contaminated Land', which states that the Council will work in partnership with other relevant stakeholders in implementing delivery plans for the remediation and redevelopment of vacant, derelict, and contaminated land. Further, where

contamination of a site is suspected, applicants require to submit a contaminated land survey with any application.

- 10.11. This site is known to be suspected of containing contaminated land, including chromium. Environmental Services have considered all the information submitted in relation to this matter to date and have advised that there are a number of issues with the report, with the main deficiency that the impacts of chromium underlying the site, specifically with respect to potential pollution of the water environment, have not been adequately quantified.
- 10.12. Further, there is a requirement contained within relevant environmental legislation for any contaminated source to be clearly identified, quantified, and assessed. While this is a matter that could be addressed via the imposition of conditions if the proposal was acceptable within the context of all other Planning Policy and Material Considerations, as the applicant has failed to submit sufficiently detailed information to establish the type and extent of contaminated land on the application site it is considered that the proposals are contrary to Policy SDDC1 of the adopted South Lanarkshire Local Development Plan 2.
- 10.13. SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle routes and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. The site is in an area which is considered to be readily accessible by public transport. Adequate onsite parking is proposed, and Roads have advised no objection to the proposals subject to the conditions outlined above.
- 10.14. SLLDP2 Policy 16 'Water Environment and Flooding' states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. Given the sites proximity to the river Clyde, it is located within an area of low flood risk as defined by SEPA's flood map. A Flood Risk Assessment (FRA) has been submitted as part of the application. It notes the unmanned nature of the site and its classification as essential infrastructure. The FRA concludes that there are no areas of fluvial flooding within the site, however, there are areas that are at risk of flooding from surface water. The site layout has been designed to take this into account, with all electrical infrastructure located away from these areas. In addition, the applicant proposes the use of SUDs features to mitigate surface water flood risk. It concludes that the proposals are not predicted to increase surface water runoff or flooding to the surrounding area.
- 10.15. A single letter of representation has been received from an adjoining business owner, raising concerns that the site may contain contaminated land that could affect the nearby river Clyde and existing adjacent premises as the potential chromium waste within the site may be disturbed by any approved building works. The Council concurs with these comments and considers that insufficient information has been submitted to clarify the position with regard to levels and types of contamination that may be present on the site.

10.16. Conclusion

In conclusion, while the proposals involve the creation of essential infrastructure which, if implemented, would contribute to addressing the global climate emergency they would result in the loss of prime employment land within one of the Council's flagship inward investment areas. In particular, they do not accord with a number of policies within the Development Plan namely Policy 11 of National Planning Framework 4 and Policies, ICD1 and SDCC1 in the adopted South Lanarkshire Local Development Plan 2. The proposals do not represent an acceptable form of land use for the SEIL designated site and fail to address issues related to existing contaminated land suspected to be contained within the site. Overall, it is considered on balance that this would result in the introduction of an inappropriate land use and divert investment away from a key strategic business location. It is, therefore, recommended that the Planning Committee refuse the application.

11. **Recommendation and Reasons for Refusal**

11.1. The Committee is asked to agree the following recommendation:-

Refuse the application for the following reasons:-

01. The proposals are contrary to Policies 8 and ICD1 of the adopted South Lanarkshire Local Development Plan 2 in that:-
 - a) they do not support the strategic role and function of the Clyde Gateway (Shawfield) Strategic Economic Investment Location;
 - b) they do not create new class 4/5/6 employment opportunities or involve a strategic office development; and
 - c) they would not provide essential ancillary services or services for businesses within the SEIL.
02. The proposals are contrary to Policy SDCC1 - Vacant, Derelict and Contaminated Land of the adopted South Lanarkshire Local Development Plan 2 and Policy 9 (c) - Brownfield, vacant and derelict land and empty buildings of the National Planning Framework 4 as the applicant has failed to submit an adequately comprehensive contaminated land survey covering the site.
03. The proposals are contrary to Policy 11 of National Planning Framework 4 in that they fail to maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1214 | Installation of 50MW battery energy storage facility \(BESS\) with associated infrastructure | Land Southeast Side Of Seath Road Rutherglen G73 1RW \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

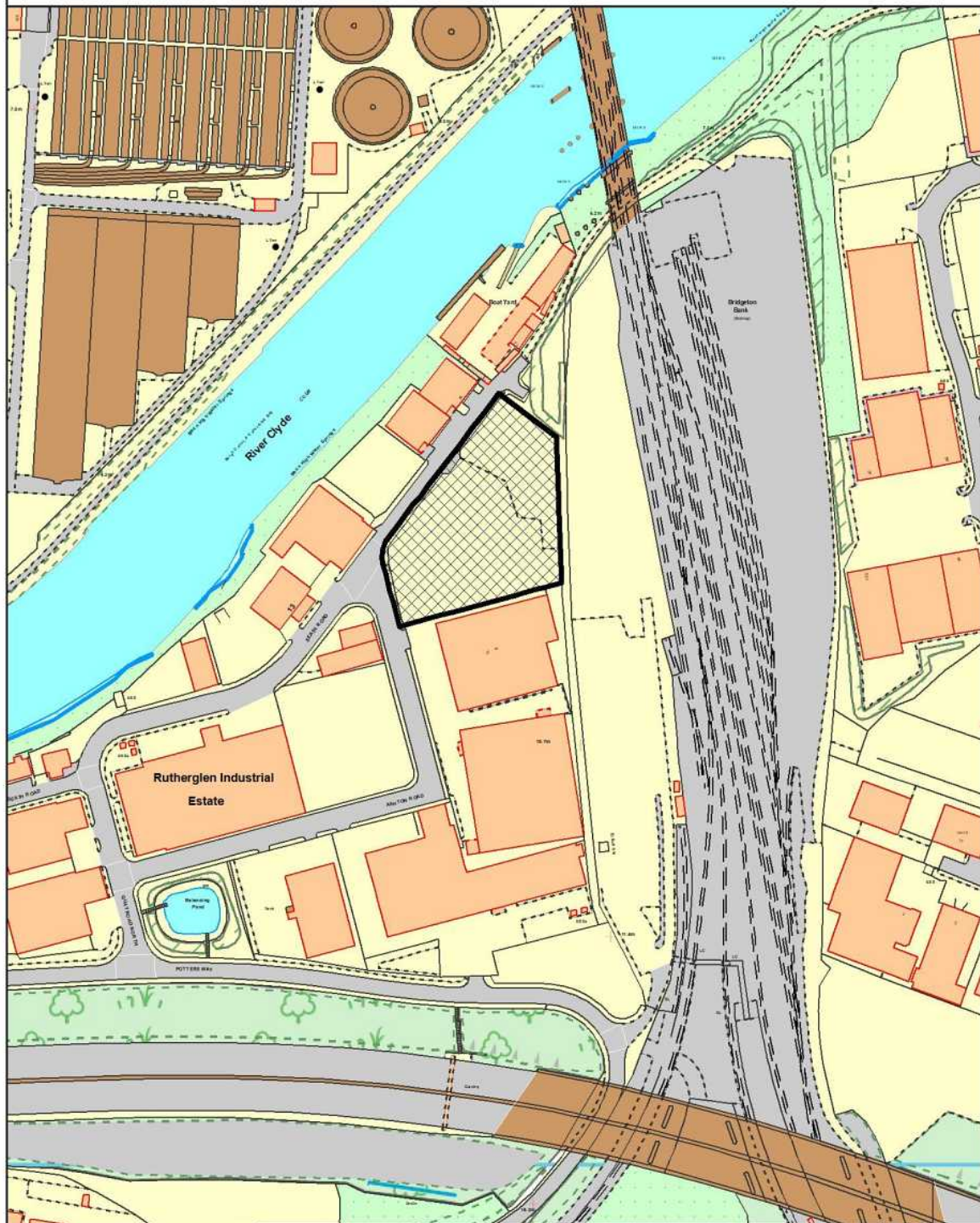
Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1214, Site of former depot, Seath Road, Rutherglen. Installation of Battery storage facility



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,500
Date:
08/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services