

Report

Report to: Planning Committee

Date of Meeting: 5 May 2020

Report by: Executive Director (Community and Enterprise

Resources)

Application no. P/19/0896

Planning proposal: Erection of data centre (Class 4 Business) and associated 12MW

solar farm and 7.5MW gas turbine with light industrial (Class 5) area

and associated infrastructure (Planning permission in principle)

1 Summary application information

Application type: Permission in principle

Applicant: C Capital (London) Ltd

Location: Lanark 700M North of Birkhill Mill

Cairnhouses Road

Douglas Lanark

South Lanarkshire

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant planning permission in principle (subject to conditions) based on conditions attached

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3 Other information

♦ Applicant's Agent: Lodge Architects♦ Council Area/Ward: 04 Clydesdale South

♦ Policy Reference(s): South Lanarkshire Local Development Plan

(adopted 2015)

Policy 1 – Spatial Strategy Policy 2 – Climate Change

Policy 3 - Green Belt and Rural Area Policy 4 - Development Management and

Placemaking

Policy 7 - Employment

Policy 15 - Natural and Historic Environment

Policy 16 – Travel and Transport

Policy 17 - Water Environment and Flooding

Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 2: Green Belt and Rural Area

Policy GBRA1 – Economy/ business related developments

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Supplementary Guidance 10: Renewable Energy

Policy RE2 – Renewable Energy Developments

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 - Spatial Strategy

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and

Placemaking

Policy 8 - Employment

Policy 14 - Natural and Historic Environment

Policy 15 – Travel and Transport

Policy 16 - Water Environment and Flooding

Policy 18 - Renewable Energy

Policy DM1 - New Development

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy GBRA2 – Business Proposals within Green

Belt and Rural Area

Policy RE1 – Renewable Energy

Representation(s):

1 Objection Letters
0 Support Letters
Comment Letters

♦ Consultation(s):

SEPA Flooding

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Transport Scotland

Coalburn Community Council

Douglas Community Council

WOSAS

Countryside and Greenspace

Planning Application Report

1 Application Site

1.1 The application site is approximately 24.6 hectares of open, rough grassland located some 2.5km to southeast of the settlement of Lesmahagow. The eastern boundary of the site comprises the M74, with the B7078 (Carlisle Road) forming the western boundary of the site. To the north of the site is more open grassland with the nearest residential property some 200m further north of the boundary. The southern boundary comprises an existing animal feed business. The site can currently be accessed from the B7078 which is also used by the neighbouring animal feed business.

2 Proposal(s)

- 2.1 Planning permission in principle is sought for a mixed use development comprising the erection of a 37,161 square metre data centre (Class 4), a 7.5MW Gas Turbine, a 12MW Solar Farm and a light industrial (Class 5) area. Internal access roads and areas for staff parking are also proposed. An indicative masterplan has been submitted which identifies the location and scale of the various components of the proposal.
- 2.2 It is proposed that the gas turbine and solar array would provide the energy required for the coolant systems for the data centre but would be designed to allow excess energy to be transmitted to the national grid.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scotlish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that the planning system should set out a vision for vibrant rural areas with growing sustainable communities supported by new opportunities for employment.

3.2 Development Plan

- 3.2.1 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 case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 3.2.2 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets

a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The GCVSDP is a strategic document and does not have specific policies relating to this local level of development within land designated as countryside within a Local Development Plan. Therefore, there is no further assessment of the application against the GCVSDP within Section 6 below and it will be assessed against the policies within the local development plan.

- 3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:
 - Policy 1: Spatial Strategy
 - Policy 2: Climate Change
 - Policy 3: Green belt and rural areas
 - Policy 4: Development management and placemaking
 - Policy 7 Employment
 - Policy 15: Natural and historic environment
 - Policy 16: Travel and Transport
 - Policy 17: Water environment and flooding
 - Policy 19: Renewable Energy
- 3.2.4 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:
 - Supplementary Guidance 1: Sustainable Development and Climate Change
 - Supplementary Guidance 2: Green Belt and Rural Area
 - Supplementary Guidance 3: Development Management, Placemaking and Design
- 3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 8 Employment
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

- DM1 New Development Design
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems
- 3.2.6 It should be noted that LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.

3.3 **Planning Background**

- 3.3.1 Outline planning consent (CL/02/0693) was granted in November 2003 for the development of the site for general industrial (Class 5) and storage/distribution purposes (Class 6). The animal feed business was the subject of a subsequent reserved matters approval and it has been implemented and is operational. A reserved matters application (CL/04/0873) was granted in 2005 for the remainder of the undeveloped land, and this consisted of the formation of accesses and structural landscaping. A further reserved matters application (CL/08/0022) was granted consent in February 2009 for the erection of 14 industrial units with ancillary office space (Class 5 general industry and Class 6 storage or distribution) with associated car parking and infrastructure. In November 2011, planning permission was granted for the erection of a bio-gas production facility on a large portion of the current application site. Whilst some preparation works on site have been carried out in relation to this permission, they have not been deemed adequate in terms of securing the planning permission and these permissions have now lapsed.
- 3.3.2 Planning permission was granted in 2016 for two, 98.14 metres high wind turbines within the site (Ref: CL/16/0090) and this application was granted for a further 3 years in January 2020 (Ref: P/19/0363).
- 3.3.3 Due to its size (being over 2 hectares), this planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community (Ref: P/18/0013/PAN). In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has, therefore, met the statutory, legislative requirements for pre-application consultation with the community.

4 Consultation(s)

- 4.1 <u>SEPA</u> originally objected to the proposals on the grounds of lack of information in relation to nearby watercourses, habitats, foul drainage and peat. Following additional information regarding these issues, SEPA removed their objection subject to conditions requiring further approval of drainage design and peat management as part of any permission in principle.
 - **Response:** Noted. Conditions requiring full details of all drainage and peat management form matters specified by condition within the recommendation to grant planning permission in principle.
- 4.2 <u>West of Scotland Archaeology Service (WOSAS)</u> note that previous archaeological work carried out in relation to a previous planning approval

(CL/08/0022) did not result in any archaeological findings. Therefore, it is recommended that there is no further requirement for any archaeological works on the site.

Response: Noted.

4.3 <u>Transport Scotland</u> – no objections subject to conditions requiring further approval of site lighting, landscaping and barriers along the trunk road boundary and a condition stating that there shall be no drainage connection to the trunk road drainage system.

Response: Noted. Conditions requiring full details of all lighting, landscape, barriers and drainage form matters specified by condition within the recommendation to grant planning permission in principle.

- 4.4 **Roads Flood Risk Management** no objections to the proposals subject to conditions requiring completion of the Council's drainage and flood design criteria. **Response:** Noted. These form matters specified by condition within the recommendation to grant planning permission in principle.
- 4.5 **Roads Development Management** no objections to the proposals subject to conditions requiring further details of the extent of the use of the site in the form of a Transport Statement.

Response: Noted. The application is for planning permission in principle and the applicant does not yet have full design details of the site as this would be subject to a further application(s) when the applicant has secured further investment. The requirement for a Transport Statement is therefore attached to the recommendation as a matter specified by condition.

4.6 The following consultees had no comments to make on the proposals:-

Environmental Services

Countryside and Greenspace

Coalburn Community Council

Douglas Community Council

5 Representation(s)

- 5.1 Statutory Neighbour notification was carried out by the Council on 18 June 2019. The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and the nature and scale of development (Schedule 3).
- 5.2 One letter of objection was received from the adjoining animal feed business in relation to this application with the following concerns:
 - a) No issue with the development itself, in purpose, location or general plan so long as my right of access/ egress via the development site is maintained if planning permission is granted.

Response: Noted. Matters of land ownership/ rights of access are separate legal matters outwith the scope of the planning system. Notwithstanding, it is noted that this planning application is in principle only and the site layout is

indicative and the development, should it be approved, would require further detailed approval. It is considered that the applicant would be required to take into account any right of access at this detailed design stage.

5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The application seeks planning permission in principle for a mixed use development on land bounded by the M74 and B7078 comprising a data centre, solar farm and class 5 industrial use. 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 case, the development plan comprises the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted SLLDP. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 SPP states that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; promote economic activity and diversification including sustainable developments linked to, for example tourism and farm diversification, while ensuring the distinctive character of the area is protected and enhanced; allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area; and give due weight to net economic benefit of proposed developments.
- 6.4 There are a number of policies within the SLLDP that are relevant to the assessment of this application. Policy 1 'Spatial Strategy' of the SLLDP states that the SLLDP will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. This will be achieved, inter alia, by supporting development that accords with and supports the policies and proposals in the development plan and supplementary guidance. In this case, the site is within the rural area but, due to the previous permissions on site, it forms part of the Council's industrial land supply. As a result, it is considered the proposals accord with the Council's spatial strategy.
- 6.5 As the site is within the rural area, the application requires to be assessed under Policy 3 'Green Belt and Rural Area'. This states that in general support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location (agriculture, forestry, recreation and other uses appropriate to the countryside). Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. Further guidance on appropriate uses in the rural area is contained

in Supplementary Guidance 2: Green Belt and Rural Area (SG2). In this specific case, the site was previously designated as an Industrial Development Opportunity within the Rural Investment Area within the previous South Lanarkshire Local Development Plan (2009) and is still included in the Council's marketable industrial land supply. This, in turn, reflects the previous granting of, firstly, outline planning permission in 2003 for class 5 and 6 uses and, furthermore, the subsequent approval and implementation of consent for the adjoining feed store business which has the effect of keeping the original outline consent alive.

- 6.6 In addition, Policy GBRA1 of the Supplementary Guidance on Green Belt and Rural Area states that exceptionally, proposals for larger scale business development that generate employment opportunities in the Green Belt or the rural area may come forward. They will be considered on their merits with particular regard to their economic benefits for the area. This policy criterion is further strengthened through SLLDP2 Policy GBRA2 which reiterates the SG Policy but explicitly includes this form of development as being appropriate in exceptional circumstances. Whilst Policy 3 is the overarching Policy for new development in the rural area, given the site is a marketable industrial land site, Policy 7 – Employment is also relevant. This states that sustainable economic growth will be encouraged through the identification of employment land use areas. Again, it is considered that the principle of the Class 4 and 5 uses now proposed aligns with Policy 7 and would bring economic benefit to the rural area as promoted through SPP. It is, therefore, considered that the proposals are acceptable in this instance and comply with Policies 1, 3 and 7 of the SLLDP and its associated Supplementary Guidance.
- 6.7 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Data Centre developments are very energy intensive as they require the data servers to be cooled as they generate heat. The proposals involve creating electricity from an onsite solar array to help provide power for the required cooling system. It is, therefore, considered that the proposed use of renewable energy to minimise non-renewable electricity requirements on site allows the proposals to accord with the requirements of SLLDP Policy 2, in this instance.
- 6.8 Policy 4 '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 Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 Design.
- 6.9 Whilst the application is in principle and no detailed design details have been submitted, it is considered that as the site is adjacent to an existing light industrial premises that any new development would not appear isolated and it could be designed to be in keeping with the existing adjoining building. The M74 runs along the eastern boundary of the site which provides a strong visual barrier which would further minimise any development within the area. The solar panels are small scale in nature and their visibility could be minimised by landscaping. The indicative layout shows the proposed gas turbine as being again small scale and a freestanding unit. It is considered that the turbine would be housed in its own unit and would be of a functional design that would not look out of place within an Employment/ Industrial site. Furthermore, the site is not located within a residential area and the nearest individual property is over 250m away from the site. It is, therefore, considered that

it would not have any impact upon the amenity of the area. As well as a visual barrier, the M74 also provides a relatively consistent, high background noise level within the area which would normally not be associated with a rural location and this would minimise the impact of any potential noise created by the development. It is, therefore, considered that, in principle, the proposals comply with Policy 4 of the SLLDP subject to matters specified by conditions requiring full design details and noise level assessment to ensure detailed proposals are suitable at this location.

- 6.10 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within the application site. An Environmental Appraisal (EA), including Phase 1 Habitat Study, formed part of the planning submission. The EA did not find any protected species habitats on site. An otter resting site was identified 250m to the west of the site but it is considered that this is at a distance that would not be impacted upon by the proposals. The EA, therefore, concluded that the proposals would not have an impact upon any protected species but that further surveys were recommended prior to any construction starting on site. It is considered that further ecological surveys could be a matter specified by condition. It is, therefore, considered that, subject to a condition requiring further survey work prior to construction, the proposals are in line with Policy 15 of the SLLDP.
- 6.11 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads. Policy 16 further states that new development proposals must consider and, where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. The proposals are in principle. Roads Development Management are content with the principle of development subject to a full Transport Statement and assessment being carried out and submitted at the matters specified by condition stage when a detailed design and layout is applied for. It is, therefore, considered that the principle of the development complies with Policy 16 of the SLLDP.
- Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 Flood Risk and SDCC 3 Sustainable Drainage Systems. The site is designated as being of low risk of flooding from surface water on SEPA's flooding map. Seasonal drainage ditches transect the site with a small area of standing water located on the western boundary. A hydrological study formed part of the planning submission and it concluded that a suitably designed drainage scheme would effectively manage any surface water on site and that the area of standing water could be designed into a sustainable attenuation pond. SEPA and Roads Flood Risk Management are content with the conclusions of the Hydrological Study. It is, therefore, considered that, in principle, the proposals comply with Policy 17 of the SLLDP.
- 6.13 Policy 19: Renewable Energy states that applications for renewable energy infrastructure developments will be supported subject to meeting the criteria set out

within Paragraph 169 of SPP. Paragraph 169 of SPP states, inter alia, that considerations of energy infrastructure will vary depending on scale of the proposals and the area characteristics of the site. These considerations are replicated in further detail through Policy RE2 of SG10: Renewable Energy Developments. As the application is for a small scale solar farm and is an application in principle, the majority of the detailed RE2 criteria are not applicable. Nevertheless, in land use terms, the creation of a solar farm would be compatible with the character of the surrounding area comprising both existing built development (ie the adjoining feedstore business, M74, wind turbines and electricity pylons) and the proposals the subject of this application. In this instance, the solar panels would be a very small proportion of the site and would be considered to be of a suitable scale at this location. In the absence of detailed proposals at this stage, a condition is, therefore, proposed to ensure proposals involving solar panels demonstrate compliance with the checklist, the main consideration being a glint and glare assessment to ensure the solar panels are orientated correctly to ensure they do not impact outwith the site. As such, it is considered that the principle of solar farm development, subject to the aforementioned condition complies with the criteria of Policy 19 of the LLDP and Paragraph 169 of SPP.

- 6.14 Separate to the above planning assessment, it is noted that the Council's Supplementary Guidance on Renewable Energy (Appendix 3), whilst not mandatory and not a material consideration to the assessment of a planning application, encourages developers of renewable energy schemes to make contributions towards the South Lanarkshire Renewable Energy Fund. It is considered that once the details of the solar panels are established, the Developer would be offered the opportunity to enter into discussions with regard setting up a scheme of contributions.
- 6.15 In view of the above it is, therefore, considered that on balance, taking into account the planning history of the site that the principle of the form and scale of the proposed development complies with National Planning Policy and the Development Plan. As a result, it is recommended the permission in principle be granted.

7 Reasons for Decision

7.1 The principle of the development is considered to be acceptable and would not be detrimental to the strategy of the Development Plan and is in line with national policy. The principle of the development complies with SPP and Policies 1, 2, 3, 4,7, 15, 16 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change. The principle of development also complies with Policies 1, 2, 4, 5, 8, 14, 15, 16, 18, DM1, SDCC2, SDCC3, GBRA2 and RE1 of the proposed South Lanarkshire Development Plan 2 (2018).

Michael McGlynn Executive Director (Community and Enterprise Resources)

Date: 8 April 2020

Previous references

- ◆ CL/02/0693
- ◆ CL/04/0873
- ◆ CL/08/0022
- ◆ CL/16/0090
- ◆ P/19/0363
- ♦ P/18/0013/PAN

List of background papers

- Application form
- Application plans
- ► South Lanarkshire Local Development Plan 2015 (adopted)
- Proposed South Lanarkshire Development Plan 2
- ► Neighbour notification letter dated 18 June 2019

Consultations

SEPA Flooding	20.02.2020
Roads Flood Risk Management	08.07.2019
Roads Development Management Team	04.07.2019
Transport Scotland	26.07.2019
WOSAS	26.06.2019

Representations

John K Craig, Received Via Email	02.07.2019
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Contact for further information

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

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Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Paper apart – Application number: P/19/0896

Conditions and reasons

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (h) Flood Risk Assessment and mitigation
- (i) Sustainable surface water drainage
- (j) A Transport Assessment and subsequent Transport Statement
- (k) further ecological surveys and associated mitigation measures where required.
- (I) a programme of pre-construction ecological surveys
- (m) Full access design and visibility splays
- (n) External lighting plan
- (o) details of any barriers bounding the M74
- (p) Noise Impact Assessments
- (q) Peat management plan
- (r) A detailed design assessment of the solar panels in relation to SG10 Policy RE2 checklist criteria, including but not limited to, a full glint and glare assessment.

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

