

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>15 February 2022</b>
Report by:	<b>Interim Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1525
Planning proposal:	Construction and operation of a Battery Energy Storage System for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 m high security fencing, CCTV and security lighting

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	EcoDev Group
Location:	Land 70M Southwest of Sanmex Buildings Downiebrae Road Rutherglen South Lanarkshire

## 2. Recommendation(s)

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

- (1) Grant detailed planning permission (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: AE Associates
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
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 SDCC2 Flood Risk

Policy SDCC3 Sustainable Drainage Systems  
Policy ICD2 Non-conforming Uses in Core  
Industrial/Business Areas  
Policy RE1 Renewable Energy  
Policy DM1 New Development Design  
Policy DM17 Air Quality

◆ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Rutherglen Community Council

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

West of Scotland Archaeology Service

SEPA Flooding

SP Energy Network

Clyde Gateway

## **Planning Application Report**

### **1. Application Site**

- 1.1. The application site is located to the east of Dalmarnock Road and south of Downiebrae Road in Rutherglen and extends to 0.4 hectares in area. The River Clyde is to the north of the site with the Dalmarnock to Rutherglen railway line some 450 metres west of the site. The site itself sits wholly within the former Sanmex industrial complex which has now been demolished and the site is currently an area of vacant, brownfield land. The nearest residential properties are at Caithness Park some 75m to the east of the site and Baronald Street 150m to the south. An existing two storey office building lies between the site and Caithness Park. Approximately 150 metres southeast of the application site lies the Scottish Power Energy Networks (SPEN) Dalmarnock Grid Supply Point.
- 1.2. The site is currently accessed via an existing internal roadway taken directly off Downiebrae Road. The application site is located on land designated as a Core Industrial and Business Area within the South Lanarkshire Local Development Plan 2 (2021).

### **2. Proposal(s)**

- 2.1. Detailed planning permission is sought for the construction and operation of a Battery Energy Storage System for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 m high security fencing, CCTV and security lighting. Access is to be taken from the existing internal access road noted in 1.2 above and 4 parking spaces within the site are proposed. The proposed batteries are to have a storage capacity of approximately 40 Mega Watts (MW). The site would be secure and includes equipment to allow 24 hour monitoring of the batteries remotely with approximately one routine, maintenance visit a month.
- 2.2. The applicant has advised that the proposed batteries 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 a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and allows it to be released when demand outstrips generation. In short, 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 nearby Dalmarnock Grid Supply Point.
- 2.3. The energy stored within the batteries will be from all available power generation sources. As more traditional energy sources such as coal and gas are being decommissioned and renewable energy sources are replacing them, balancing generation versus demand is becoming more critical due to the more sporadic nature of renewable energy development. Grid stability is essential as the transition to renewable energy continues and battery storage is, therefore, considered an essential part of the need for ongoing grid stability. Battery storage can be classed as renewable electricity infrastructure given the increased need for grid stability as renewable energy generation increases.

### **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 Scottish 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. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".
- 3.1.2. Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity and landscape and visual impacts (paragraph 169).
- 3.1.3. As noted in 2.3 above, the proposals would aid grid stability as renewable energy generation increases. It is therefore considered that, subject to the detailed assessment against the Development Plan criteria as set out in Section 6 below, the principle of the development accords with National Policy.

#### **3.2. Development Plan Status**

- 3.2.1. The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is a high level, strategic document and it is considered that proposals of this scale would not have any strategic implications within the Strategic Development Plan Area. As such, there is no detailed assessment of the proposals against this strategic Plan.
- 3.2.2. Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

In this regard, the application site and associated proposal is affected by the following policies contained in SLLDP2:-

#### **Volume 1**

1. Policy 1 Spatial Strategy
2. Policy 2 Climate Change
3. Policy 3 General Urban Areas
4. Policy 8 Employment
5. Policy 15 Travel and Transport
6. Policy 16 Water Environment and Flooding
7. Policy 18 Renewable Energy

1. Policy SDCC2 Flood Risk
2. Policy SDCC3 Sustainable Drainage Systems
3. Policy DM1 New Development Design
4. Policy ICD2 Non-conforming Uses in Core Industrial/ Business Areas
5. Policy RE1 Renewable Energy
6. Policy DM17 Air Quality

### **3.3 Planning Background**

- 3.3.1. 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.
- 3.3.2. In light of this statement and due to the fact the current proposals have a capacity of over 20MW, they are considered to be classed as a Major application within the Electricity Generation category of the Hierarchy of Development. As such, the applicant carried out the statutory Pre-Application Consultation (Planning Ref: P/21/0008/PAN) required for Major applications. The current application submission includes the required Pre-application Consultation Report following this consultation procedure. As part of the PAN procedure, the applicant notified some 660 local properties of the proposals with an invitation to an online public consultation on the proposals as well as including contact details of where further information could be sought on the proposed development. The notified properties included a mix of commercial and residential properties and included the residents of the semi-permanent mobile homes located to the east of the application site adjacent to the Cuningar Loop Park.
- 3.3.3. Prior to submission of the current application, the applicant submitted an Environmental Impact Assessment (EIA) Screening request to ascertain whether the proposals would constitute an EIA development (Planning Ref: P/21/0312). Following assessment, the Council, as Competent Authority, issued a screening opinion stating that the proposals did not constitute an EIA development.
- 3.3.4. In March 2016, the Planning Committee granted planning permission in principle (Planning Ref: CR/15/0040) for a mixed use development comprising Class 1 retail, hot food takeaways, Class 3 restaurant and Class 11 leisure on the former Sanmex site. This permission includes the current application site and a larger area of now vacant land. The permission is only in principle and requires the further approval of matters specified by condition which would dictate the exact detail and design of the use classes approved as well as other aspects such as parking layout. This permission was renewed through an application made under Section 42 of the Town and Country Planning Act (Planning Ref: P/19/0307) which was granted on 8 April 2019.
- 3.3.5. Whilst every application is assessed on its own merits and the above referenced planning permission in principle (hereon referred to as the PPP) requires further approval before it could be implemented, it has been considered prudent to include an assessment of the current proposals against this permission as part of the planning assessment set out within Section 6 below.

## **4. Consultation(s)**

- 4.1. **Roads Development Management** – originally requested additional details of the internal road layout. Following receipt of these details, offered no objections to the proposals subject to conditions relating to the construction of the access road in

relation to preventing surface water or deleterious material running onto or entering the public road and the further agreement of a Construction Traffic Management Plan (CTMP), including details of access and parking for staff and visitors, working hours, management of deliveries and wheelwashing facilities.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.2. **Roads and Transportation (Flood Risk Management)** – no objection to the proposal subject to attachment of conditions requiring sustainable drainage design and the implementation of the flood risk mitigation as set out within the submitted Flood Risk Assessment.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.3. **Environmental Services** – The scope of the Noise Impact Assessment (NIS) submitted with the application was agreed in advance with Environmental Services and was carried out in accordance with BS:4142 and BS:8233. In particular, the showpeople accommodation at Caithness Park was included as a potential sensitive receptor. Environmental Services officers then carried out their own background noise measurements to verify the submitted Noise Impact Assessment. As a result, they agree with the conclusions of the NIS that there will be no detrimental impact on any residential property. They therefore have no objections to the proposals subject to conditions requiring noise limits being placed on the proposals to protect the amenity of the surrounding area as well as conditions relating to contaminated land site investigations and controlling noise and construction times.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.4. **SEPA** – consider the proposals as falling within essential infrastructure as per their flood risk and land use vulnerability guidance and therefore had no bespoke comments to make.

**Response:** Noted.

- 4.5. **Scottish Water** – no objections to the proposal.

**Response:** Noted.

- 4.6. **Clyde Gateway** – generally support the principle of such a use in the area as the proposals involve renewable energy and green technology which is something they are trying to deliver on by various means such as district heating networks, greener buildings, supporting sustainable transport and working with British Geological Survey at Cuningar. Clyde Gateway also has aspirations to develop a Green Regeneration Innovation District (GRID). They note that the proposals would not result in new employment whereas the extant PPP would generate job opportunities if delivered. In addition, the location of the facility within the wider site severs what could be a larger masterplanned site and they consider it may be better for it to be along an edge of the site to prevent stagnating future development opportunities.

**Response:** Outwith construction, a proposal of this nature will not generate significant job opportunities within the immediate area. However, the proposals relate to National Grid stability in the transition from fossil fuel energy generation to renewable energy generation. The importance of grid stability is significant in the increase in renewable energy generation and facilities of this nature will be increasingly required as part of this. Whilst not creating significant direct employment opportunities, it is considered that the proposals fit within the renewable energy supply chain which will create 'greener' employment opportunities in the wider economy as the transition to renewable energy moves forward. Whilst the Council can only make an assessment of the plans placed before them, in terms of the location of the site within the PPP area, it is considered that the development is a stand-alone proposal that would be compatible within a commercial area and does not sterilise any access into the PPP

site. The application site represents only 10% of the overall 4.3ha PPP site and it is considered that the development potential of this remaining amount of land is not hindered by the current proposals. It is also noted that the PPP site has lain vacant for 5 years since the original PPP was granted with no developer interest. The location of the site is within 150m of an existing Grid Supply point which would minimise any energy transmission infrastructure required given the proximity of this facility. Further assessment of the proposals in relation to the PPP are carried out throughout Section 6 below.

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

- ◆ West of Scotland Archaeology Service
- ◆ Rutherglen Community Council
- ◆ Scottish Power Energy Networks

## 5. Representation(s)

5.1. Statutory neighbour notification was undertaken and the proposal advertised in the local press for non-notification of neighbours. Following this publicity 8 letters of objection were received from 7 separate third parties with the following concerns:-

### a) Proximity of proposals to residential properties

**Response:** The nearest semi-permanent residential properties are 75m from the site boundary and the nearest permanent residential properties are 150m from the site boundary and are separated from the site, by the River Clyde, existing commercial development, or public roads.

The site is on land that was previously used for industrial purposes and it is also subject to an extant permission in principle for retail, restaurants, hot food takeaways and leisure which are all uses that also have a similar level of potential impact in relation to the existing amenity of the area. Environmental Services are content that the proposals would meet required noise limits. It is considered that the proposals location in relation to residential properties is acceptable and would not impact upon the amenity of the area.

### b) Flood Risk

**Response:** SEPA have no objection to the proposals in relation to flood risk. Roads and Transportation Services (Flood Risk Management) have no objections to the proposals subject to compliance with Council's design criteria for flood risk and drainage design.

### c) Air and Water pollution

**Response:** The proposals would not affect air quality or nor would any discharge enter the water table.

### d) Noise and inadequate background noise readings within the submitted Noise Impact Assessment

**Response:** Environmental Services carried out their own background noise levels and are content that acceptable noise limits can be met.

### e) Visual Impact

**Response:** Whilst functional in design, it is considered that the proposals are not of a scale that would have a dominating visual impact upon the surrounding landscape. The site is currently vacant land and it is considered that developing the site would have a net positive impact in comparison to its current visual aspect.

**f) Industrial nature of the proposal**

**Response:** The application site is located on land designated for Employment purposes.

**g) Impact on Retail properties**

**Response:** Section 6 below includes a detailed assessment of the proposals in relation to the mixed use permission in principle granted on the site as well as an assessment of the proposals on land which is designated as Employment purposes

**h) The potential for the batteries to go on fire, the danger of storing electricity near a water course and potential health implications**

**Response:** If the proposals are granted planning permission, the operator would have to comply with all Health and Safety requirements regarding proposals of this nature which are outwith the scope of the Planning System. There has been no demonstrable correlation in relation to health implications being associated with battery storage but again this would be out with the remit of the Planning assessment. As noted below information has been sought regarding the proposals, in relation to any subsequent Building Standards procedure should planning permission be granted and the applicant has outlined their proposed fire safety system.

**i) Neighbour notification was not carried out correctly**

**Response:** The Council carried out the statutory neighbour notification fully as required ie directly serving notices on any property within 20m of the boundary of the application site and advertising the application within the local newspaper. As noted in 3.3.2 above, prior to the application being submitted, the applicant carried out the required PAN consultation which involved notifying 660 local properties of the proposals.

**j) This proposal will prejudice the redevelopment of other land within the vicinity of the site**

**Response:** Any applications for development of other land in the area will be dealt with on their merits. Further assessment of this concern is found in 4.6 above and throughout Section 6 below.

**k) The proposals will have insurance implications for surrounding neighbours**

**Response:** This is not a material planning consideration.

5.2. These letters are available for inspection on the planning portal.

**6. Assessment and Conclusions**

6.1. 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) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). As noted in 3.2.1 above, it is considered that the GCVSDP is a strategic, high-level document and an application of this scale and nature does not raise any strategic implications. Therefore, no further assessment against this document is required.



6.2. SLLDP2 Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application site is on land designated as Core Industrial and Business Area within the SLLDP2 where Policy 8 'Employment' applies. This policy states that these areas are to be retained for industrial/business use (class 4/5/6) and any exceptions must have a justification for locating within the industrial area and meet the criteria set out in SLLDP2 Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas. This criteria is as follows:-

- a. The effect the proposal will have on the continuity of the marketable industrial land supply in terms of quantity, range and quality.
- b. Development for residential use will not be permitted.
- c. The proposal must not determine the vitality and viability of existing town and village centres within South Lanarkshire and should follow the sequential approach as set out in SLLDP2 Policy 10 and Town Centres and Retailing Supporting Guidance.
- d. That the development of the site or premises would not adversely affect the industrial operation, amenity, industrial character or function of the area, including traffic movement and circulation.
- e. The site or premises has been subject to a marketing appraisal for classes 4, 5 and 6 to the Council's satisfaction and has been actively marketed for these uses for a minimum period of six months.
- f. The site or premises can easily be accessed from main road routes and has satisfactory access by walking, cycling and public transport.
- g. The infrastructure implications, including the impact on the transport network of the development are acceptable, or can be mitigated to an acceptable level.
- h. The proposal includes appropriate parking provision for the type of development.
- i. The development will not adversely affect the natural or built environment, including Natura 2000 sites and Protected Species.

6.3. In general terms grid support is extremely critical in areas of high electricity demand in order to stabilise the network and avoid power outages. The application site was identified because of its proximity to the built-up area. This is likely to become more commonplace as the transition to greener energy produced continues. In addition, its location within 150m of the Dalmarnock Grid Supply Point allows the minimum amount of transmission infrastructure to be required to connect the battery proposals to the national grid. This is considered an adequate justification for the location within the industrial area. Finally, the principle of redeveloping the site for alternative uses has been established by the extant PPP.

6.4. In relation to Policy ICD2 the following factors are considered to be of relevance:-

- ◆ The site has been vacant for several years. It is considered that loss of this relatively small area of the overall designation will not have a significant impact on the quantity, range and quality of the available employment land in this area. It also noted that the extant PPP on the site would result in 4.3 ha of employment land being redeveloped for commercial and leisure development.
- ◆ Battery storage is considered a quasi-industrial use that would be compatible within an employment area.
- ◆ As the proposal is non-retail/commercial, the development will not have any adverse impact on the vitality and viability of the nearby town/neighbourhood centres.
- ◆ Due to the limited vehicle movements and lack of need for public access to the site, there is considered to be no adverse impact on the character or function of the surrounding industrial area, or the surrounding network.

- ◆ The site access, parking provision and internal arrangements are considered to be acceptable, and no objections have been received from Roads and Transportation Service.
- ◆ There is considered to be no adverse environmental impacts in relation to flood risk/environmental disturbance. In this regard, no objections have been received from SEPA, Environmental Services or the Council's Flood Risk Management Team.
- ◆ An Ecological Survey was submitted as part of the planning application and there were no signs of any protected species on site.

It is therefore considered that the proposals accord with the relevant criteria and provisions of SLLDP2 in this regard.

- 6.5. 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. As noted in 2.3 above, whilst the electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources, the purpose of the batteries is to ensure grid stability. As renewable energy becomes more prevalent, this will become a significant issue due to the intermittent nature of renewable energy generation. As such, it is considered that the batteries purpose is intrinsically linked to renewable energy generation and therefore can be viewed as renewable infrastructure to support increased renewable energy generation. Therefore, the proposals are considered to be in accordance with the aims of this Policy.
- 6.6. SLLDP2 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. The application is for development within a settlement boundary and therefore the principle of the development accords with this policy subject to further assessment against the other relevant policy criteria as follows.
- 6.7. 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 24 containers to house the batteries. The containers are approximately 2.9 metres in height with the substation control building being the tallest structure at 3 metres. A 2.4 metre high, security fence would surround the whole site. It is considered that the scale of the proposals is similar to the existing Dalmarnock Grid Supply Point located some 150m from the site. This results in the proposals being in keeping with the character of the surrounding area and would not dominate the surrounding street scene. A functional battery building would not detract from the amenity of the area and would be read, as with the Dalmarnock Grid Supply Point, as essential electricity infrastructure. It is therefore considered that the design of the proposals would not be detrimental to the surrounding area, nor would it detract from any future proposals for the surrounding area.
- 6.8. 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 or indeed the neighbouring Dalmarnock Grid Supply Point. It is considered that the minimal traffic movements associated with the proposal

means that any other potential impacts on air quality will be negligible. Environmental Services have reviewed the Noise Impact Assessment (NIA) submitted as part of the planning application. Following carrying out their own background readings within the area, they are satisfied with the conclusions of the NIA and that appropriate noise levels can be met and controlled through condition. The appropriate noise levels are acceptable immediately outside the application site and, therefore, would also be acceptable for any future development on the wider site. The application site lies within the Rutherglen Air Quality Management Area, where SLLDP2 Policy DM17 'Air Quality' applies. This policy states that development proposals which have the potential to have a detrimental impact on air quality will not be acceptable, unless measures to mitigate the impact of air pollutants are proposed and can be agreed. The proposals would not have an adverse impact on air quality.

- 6.9. In terms of public safety and in particular potential fire risk, firstly, it is noted that battery storage does not fall within the Building Regulations definition of a "place of special fire risk" and therefore any subsequent building warrant for proposals of this nature would not necessarily require any special fire safety features due to the use of the building. In any event, the Council can consult the Fire Service on any building warrant application, for advice on fire safety design. Informal discussion with the Area Fire Officer has revealed that if built, the premises would be a "relevant premises" under the Fire Scotland Act and that the premises would be subject to audit should the need arise. However, it is unlikely to be a high risk to people as there will be limited occupants. An audit would only be carried out as a result of a fire or if notified that there was a risk present that either increases the risk of fire or an issue occurs that affects escape or delays warning in the event of fire. It should be noted that these regulations and procedures relate to Building Standards and are outwith the assessment of the Planning system but should planning permission be granted, the construction and subsequent operations would require to comply with these regulations. In addition, the applicant has confirmed that the proposals would have an integrated fire prevention and suppression system built into the design. This system would comprise of an early warning system if any battery cell was failing via gas detectors in each battery enclosure that would trigger automatic power disconnection and send an alarm to the monitoring station. If heat was detected there would also be a discharge of inert gas to displace all oxygen in the battery area to stop any fire developing. Finally, there would be external access to an internal sprinkler system that could be supported by the Fire Service. In view of this it is considered that there would be no risk to public safety.
- 6.10. SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle route 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 accessible by public transport. Adequate onsite parking is proposed, and Roads have no objection to the proposals subject to the conditions outlined in 4.1 above.
- 6.11. 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 high 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. As such, the FRA states that the proposals would not exacerbate the flood risk of the surrounding area and states that appropriate mitigation, such as ensuring the battery units are on raised bases would ensure that they are not at risk

from potential flooding. SEPA have confirmed that they consider the proposals to comprise essential infrastructure and is a use that is considered acceptable within a flood risk area. Transportation Services Flood Risk Management agree with the findings of the FRA and have no objections to the proposals subject to compliance with the Council's SUDS criteria and the implementation of the mitigation referenced within the FRA. It is therefore considered that the proposals accord with the relevant provisions of the Development Plan in this instance.

- 6.12. 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 and it is considered that the relevant, remaining development management criteria have already been assessed throughout the above policy criteria assessment.
- 6.13. In conclusion, it is considered that the proposed development is acceptable and complies with the Development Plan. It is also considered that the proposals would have a negligible impact upon the PPP granted for the wider area and would not result in any future development not being able to be built out should further permissions be secured. The proposals represent a key element of the transition to renewable energy production and its location within the built-up area close to the grid supply point is essential. It is recommended that planning permission should be granted.

## **7. Reasons for Decision**

- 7.1. The proposed development complies with Policies 1,2, 3, 5, 8, 15, 16, 18, SDCC2, SDCC3, ICD2, RE1, DM1 and DM17 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**Alistair McKinnon**

**Interim Executive Director (Community and Enterprise Resources)**

Date: 20 January 2022

### **Previous references**

- ◆ CR/15/0040 – Planning Committee – 8 March 2016
- ◆ P/19/0307
- ◆ P/21/0312
- ◆ P/21/0008/PAN
- ◆ P/21/1525 – Planning Committee – 14 December 2021

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

21.07.2021

► Consultations

Roads Development Management Team	07.10.2021
Environmental Services	29.10.2021
Roads Flood Risk Management	04.10.2021
Scottish Water	14.09.2021
Environmental Services	29.10.2021
Scottish Water	14.09.2021
SEPA Flooding	07.09.2021
Clyde Gateway	14.01.2022

► Representations Dated:

Mrs Sarah and Robert Russell, 25 Farme Castle Court, Rutherglen, Glasgow, G73 1AA	07.09.2021
Mr Kevin Welsh, 19 Vancouver Walk, Glasgow, G40 4TP	07.09.2021
Robert And Sarah Russell, 25 Farme Castle Court, Rutherglen, Glasgow, South Lanarkshire, G73 1AA	08.09.2021
Mr Michael Daley, 49 Vancouver walk, Glasgow, Glasgow, G40 4TP	10.09.2021
Mrs Marion Miller, 31, Farme Castle Court, Glasgow, G73 1AA	07.09.2021
T G And V Properties Ltd, Received Via Email	08.10.2021
Catherine Browning, 33 Farme Castle Court, Rutherglen, G73 1AA	04.10.2021
Mr Eugene Watson, 38 Sydney Crescent, Dalmarnock, Glasgow, G40 4TQ	17.09.2021

**Contact for further information**

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455903  
Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### Conditions and reasons

01. That before any development commences on site, details of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That before any work starts on site, a Construction Traffic Management Plan (CTMP) shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road. Once approved the CTMP will be implemented as such for the lifetime of the construction of the development, hereby approved.

Reason: in the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

03. That before the development is completed or brought into use, a 3.5m access road shall be laid out and trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

04. That before any work starts on site, the following shall be submitted for the written approval of the Council, as Planning Authority: -

1. Sustainable Drainage Design

A sustainable drainage system serving the application site, designed and independently checked in accordance with the Council's current developer design guidance May 2020 is to be provided.

We will expect the surface water runoff to be collected, treated, attenuated, and discharged using sustainable drainage techniques in accordance with the latest industry guidance.

Copies of the self-certification contained within Appendix C and Appendix D Independent Check (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

2. Professional Indemnity Insurance

The Applicant should be made aware at this juncture of the need to have the appropriate Appendices A, B, C D and E "Signed Off" by the relevant parties with these parties providing a copy of their Professional Indemnity Insurance for our records.

3. Future Maintenance Responsibilities of SuDS Apparatus  
In order to ensure a robust future maintenance regime is in place, a copy of confirmation of future maintenance of sustainable drainage apparatus contained within Appendix E (refer to the Council's developer design guidance May 2020) duly signed by the appropriate party together with a digital copy of the construction drawings showing the SuDS apparatus (OS referenced) with highlighted maintenance responsibilities and associated contact details of any maintenance organisations should be supplied for review and for our records.

Once approved the details shall be implemented as such and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of sustainable drainage.

05. That all flood mitigation measures contained within the document titled Dalmarnock Battery Energy Storage System Flood Risk Assessment dated April 2021 shall be implemented fully as narrated and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of flood risk.

06. That before any work starts on site,

- (a) The applicant should be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:

- i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
- ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
- iii) BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

07. Any remediation of the site as required by condition 6 above, shall

- i) be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

- ii) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- iii) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

08. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the Battery Energy Storage System (LAr,1hr) shall not exceed the background noise level (LA90,30 min) by more than 4dB within the curtilage of any residential development. This shall be measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from the Battery Energy Storage System (LAr,15 min) shall not exceed the background noise level (LA90,30min) by more than 4dB. This shall be measured in accordance with BS4142:2014 at the proposed development.

The internal noise levels attributable and resultant from the Battery Energy Storage System shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open do not exceed an LAmax of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden amenity areas, when measured free-field

The Internal Noise Rating Values, within the residential property attributable and resultant from the Battery Energy Storage System, shall not exceed-

- NR25 between 23.00hrs and 08.00hrs
- NR35 between 08.00hrs and 23.00hrs

Reason: In the interests of amenity



P/21/1525

Land 70M Southwest of Sanmex Buildings, Downiebrae Road, Rutherglen

