



Appeal Decision Notice

Decision by Mike Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-350-2047
- Site address: Site 400 metres north-west of Sergeantlaw, Gleniffer Road, Paisley G78 3AW
- Appeal by Statkraft UK Ltd against the decision by Renfrewshire Council
- Application for planning permission no.21/0034/PP, dated 21 January 2021, refused by notice dated 8 November 2021
- The development proposed: Installation of a “greener grid park”, including energy management and battery storage containers with associated access, landscaping and fencing
- Application drawings: as listed in the schedule at the end of this notice
- Date of site visit by Reporter: 13 April 2022

Date of appeal decision: 28 April 2022

Decision

I allow the appeal and grant planning permission subject to the 14 conditions listed at the end of the decision notice. Attention is drawn to the four advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. Having regard to the provisions of the development plan, I consider that the main issues in this appeal are: (a) the principle of the development within the green belt; and (b) the impact of the development on the landscape character and visual amenity of the area.

The proposed development

2. The application is for what is described as a “greener grid park”. It covers an area of approximately 14 hectares of grazing land on the west side of Gleniffer Road (the B775 road) to the south of Paisley. The development comprises a total of 364 battery storage units, 46 inverter units, 14 transformers, together with associated switch houses, energy management systems, coolers, switchgear, diesel generators and communications buildings; all within a compound surrounded by a 2.4 metre high palisade fence with electric security fencing above rising to 3.4 metres. Landscaping is proposed around the periphery of the compound.

3. The battery storage units comprise container-type buildings, each 182.9 metres long, 2.44 metres wide and 2.59 metres high. Similar buildings would house the communications equipment and inverters (the latter only 6.1 metres long). Other buildings within the site would be 38.6 metre long, 20.7 metres wide, rising to a height of 6 metres at

the apex of a shallow-pitched roof (it had originally been proposed that their height would be 10 metres). The tallest structures on the site would be the transformers, with 7 metre-high connecting bus bars. The six security lighting columns would be 6 metres high.

4. The purpose of this facility is to help provide stability to the National Grid, using 14 synchronous compensators and the battery energy storage system (BESS), with a capacity of 49.9 Megawatts. A synchronous compensator is essentially an electrical motor, to which no load is attached, the purpose of which is to adjust conditions on the electricity transmission grid. It draws in small amounts of power from the grid to keep it turning to overcome windage, bearing and electrical losses but, when there is a fault on the grid, it provides short circuit current and inertia. In steady state operation, it controls voltage on the grid by importing or exporting reactive power. The BESS helps to control the frequency of the grid and can import and store energy for export at a later time. Thus, the BESS can store surplus wind energy-generated electricity at times when there are bottlenecks in the transmission network, releasing it into the network once the constraints have been relieved. The BESS can respond very rapidly to fluctuating conditions, responding in a matter of seconds to changing demands in the system.

5. With the reduction in thermal and nuclear power generation in Scotland, there is an increasing need for alternative stabilising facilities to take into account the increasing reliance on renewable generating sources which, particularly in the case of onshore and offshore wind, are inherently intermittent.

The principle of the development.

6. The development plan for this area is the Glasgow and Clyde Valley Strategic Development Plan 2017 (Clydeplan) and the Renfrewshire Local Development Plan 2021 (RLDP), which was adopted by the council on 15 December 2021.

7. The appeal site lies within the green belt, as identified in the RLDP. Owing to its area and the generating capacity of the development, it is classified as a strategic development in Clydeplan. The Vision and Spatial Strategy of that plan seeks to enable a planned response to reducing the risks associated with the impact of climate change; whilst policy 10 (Delivering Heat and Electricity) gives support, where appropriate, to alternative renewable technologies and associated infrastructure. Policy 14 (Green Belt) states that the boundaries of the green belt established in local development plans should ensure that the objectives set out in paragraph 8.15 of the plan are achieved.

8. In the RLDP, policy ENV 1 (Green Belt) includes amongst the uses considered acceptable in principle in the green belt essential infrastructure: such as digital communications infrastructure, electricity grid connections, new active travel and transport routes, and renewable energy developments. The council's Report of Handling states that the development is considered to constitute essential infrastructure as it will support the flexible and resilient operation of the national grid and facilitate the continued transition towards a low-carbon energy supply.

9. It further notes that the site is adjacent to existing electricity infrastructure, including the large Neilston substation on the opposite side of Gleniffer Road and a network of high voltage power lines and pylons. Proximity to this existing infrastructure was a key priority in the site selection process for the proposal, and the council considers that it provides justification in principle for the development to be located in the green belt.

10. I agree with that assessment. The Neilston substation is already a major hub in the electricity grid, served by a range of transmission connection voltage options at 132kV, 275kV and 400kV. The substation is currently in the process of undergoing reinforcement to increase the strength of the interconnections, including two additional 400kV circuits and a new 400/275kV transformer. In the circumstances, I consider that the location of the proposed development adjacent to the existing infrastructure, to which a connection can readily be made, provides an adequate justification in principle for its location in the green belt.

The landscape and visual impact of the development

11. The council is, however, concerned about the effect of the specific siting of the development in terms of its impact on the landscape character and visual amenity of the area. This formed the sole reason for its refusal of planning permission, in which it considered the proposal to be contrary to policies ENV 1 and I 6 of the previous local development plan (now superseded) and policies ENV 1 and I 4 of the now adopted RLDP.

12. I have already referred to policy ENV 1 above. This policy makes reference to the more detailed guidance provided in the New Development Supplementary Guidance (NDSG). A revised version of this guidance to support the newly adopted local development plan is currently in draft form and subject to consultation, the period for which ended on 22 April 2022. It does not, therefore, currently carry the same statutory weight as the RLDP, but I accept that it can be considered as a significant material consideration in this case.

13. The NDSG contains 12 criteria against which new development in the green belt must be assessed. In respect of a number of those that are relevant to the proposed development, I conclude as follows:

- There would be no loss of prime agricultural land.
- The site is not within an area of wild land.
- Access to the site would be from Gleniffer Road, and no objections to it have been raised on traffic or other grounds.
- No significant effects have been identified on public water supply or in terms of pollution risk to the water environment (a Sustainable Drainage Strategy was submitted with the application, and its requirements can be covered by appropriate conditions).
- The proposal would have no direct impact on access to open space.

14. The most significant criterion, and the one of greatest concern to the council, is the requirement that the development should not have a significant detrimental impact on local landscape character; and that the development layout, design and siting must reflect that character and incorporate important landscape features. The original planning application was accompanied by a Landscape and Visual Appraisal (LVIA) of the development. In response to the refusal of permission, this has been supplemented by a further Landscape and Visual Statement, dated February 2022, prepared by a firm of landscape architects unconnected with the original application.

15. In terms of its **landscape impact**, the development would inevitably have a direct and adverse effect on the landscape features of the appeal site itself; namely the existing agricultural land and remnant stone boundary walls. However, I agree with the assessment in the LVIA that the immediate landscape is of low value, quality and sensitivity; and that the direct impact would be of minor/moderate significance.

16. The site lies within NatureScot Landscape Character Type (LCT) 202 – Rugged Upland Farmland. Key characteristics of this LCT include rugged landforms comprising rocky bluffs and shallow troughs; dominance of pastoral farming; frequent tree cover; and settlement limited to farms and villages. Reference is also made to urban influences, including electricity infrastructure and masts, particularly around Gleniffer Braes.

17. The landscape character of the area immediately surrounding the appeal site is characterised (indeed, one could almost say dominated) by such infrastructure. Although the existing Neilston substation is well screened from the B775 road by mature, tall coniferous trees, it is nevertheless a significant presence in the area, especially when viewed from the south-west. This presence is emphasised by the adjoining network of overhead power lines and their tall pylons. Two of these lines cross the appeal site itself, with another running roughly parallel to the north-east of the intervening plantation. In the open land south-west of the substation is a group of five pylons of differing designs and heights. From more distant viewpoints, the congregation of pylons in and around the substation is a very distinctive feature of the local landscape character. The vertical emphasis of the pylons is added to by the presence of three tall telecommunications towers on Sergeant Law, to the east of the site.

18. The impact of the proposed development on the wider LCT 202 would be negligible. Given its immediate setting I also conclude that its effect on the local part of the LCT would be no more than of minor significance.

19. Turning to its **visual impact**, the Zone of Theoretical Visibility map submitted with the LVIA demonstrates that it would be mainly visible from the south-west, south, and south-east. The mature coniferous plantation along its north-east boundary and the steep fall of the land at Gleniffer Braes would ensure that there would be limited visibility from that direction. Photomontages have been prepared from five viewpoints (VP). VP1 and VP2 are on the B775 road at the northern and southern ends of the site respectively. The development would be clearly visible from vehicles on that road, especially approaching from the south; although from my experience at the time of my site inspection, vehicle speeds appear to be relatively high, so the passing time would be short. I consider that most motorists using this road would not be primarily interested in the scenery, so the visual impact on them would be of no more than moderate significance.

20. However, VP1 is adjacent to a small car park on the north-west side of the B775, used by people in Gleniffer Braes Country Park at a point where two core paths cross the road. Walkers would therefore have a view of the new development at relatively close range, albeit partially screened by existing vegetation. The LVIA recognises that recreational users of the local path network are of high sensitivity, and that the development would result in a major adverse impact on them. The photomontages produced illustrate the impact of the proposed landscaping after five and 15 years. I agree that this would, over time, help to soften the impact of the development; which, in any event, would only be visible for a relatively short period by users of these paths.

21. The views from VP3, VP4 and VP5 illustrate that the development would be prominent from the south-west, south, and south-east respectively, albeit at some distance, because of its location on a southwards-facing slope. VP4 is also indicative of the view from two of the closest residential properties, at East Caplaw Farm and Caplaw Farm. Because of the rising slope of the land, the peripheral landscaping would be unlikely to fully screen the development, even when it had reached maturity, although it would help to soften its overall visual impact.

22. In these views the development would be seen in the context of the existing substation, powerlines and pylons. Whilst it would undoubtedly extend the impact of this industrial-style infrastructure further to the east into the rural landscape, I do not believe that the effect would be so severe as to be unduly visually obtrusive. The new buildings and structures would be seen against the dark background of the plantation on the north-east side of the site, and a suitable choice of colours for external materials would help to mitigate their visual impact.

23. The Gleniffer Braes Country Park adjoins the appeal site on three sides (the existing sub-station is actually within the park), but all the established paths lie to the north of the site. Apart from those referred to in relation to VP1, they are at a lower level and there would be no views of the development from them or from the main car park at Robertson Park. Whilst appreciating the sensitivity of this area in terms of its recreational value to the people of Paisley and beyond, I do not consider that the proposed development would have any significant adverse impact on the enjoyment of the country park.

24. I acknowledge the council's position that the proposed development would be a prominent feature on the south-eastern side of Gleniffer Road even with the benefit of the landscaping. The council would prefer to see infrastructure development concentrated on the opposite side of that road. It has recently indicated that it is minded to grant planning permission for another grid stability facility on the north-west side of the road, some distance south of the present substation. The area in between is occupied by a number of pylons and powerlines, and the appellant has indicated that it would not be suitable for its proposal. Whilst I understand the logic of seeking to concentrate all the electricity infrastructure on the same side of the road, I have nevertheless to assess whether the proposal before me is acceptable.

25. Given the particular character and context of the appeal site, I conclude that the overall landscape and visual impact would not be such as to warrant the refusal of permission. Returning to the criteria in the NDSG, I find that the development would not have a significant detrimental impact on the local landscape character. In addition the landscaping proposals, involving peripheral hedge, shrub and tree planting, would help to mitigate its visual impact as it matures.

26. Consequently, I consider that the development would not conflict with either the relevant provisions of Clydeplan or RLDP policy ENV 1 in relation to development in the green belt. Policy I 4 supports developments that would increase energy efficiency, subject to not having an adverse effect on local landscape character, visual amenity, and the amenity of existing users amongst other considerations. The NDSG contains more detailed guidance on these criteria. For the reasons detailed above, I consider that the proposal would largely accord with those criteria where relevant, and that the development would not, therefore conflict with policy I 4.

Other environmental issues

27. Although no other matters have been included in the council's reasons for the refusal of permission, there are a number of issues that need to be considered. The appellant submitted a Preliminary Ecological Appraisal of the site. In terms of habitats, the site contains mostly improved and unimproved grassland, with some marshy grassland and scrub in the south-west corner; and is generally of low ecological and conservation value. No evidence of badgers or bats was found within the site, but there is suitable habitat for foraging and sett creation for badgers in the vicinity. Relevant mitigation measures are recommended during the construction operations. The site adjoins a locally designated Site

of Importance for Nature Conservation (SINC) to the south-west, which covers Bardrain Glen, Sergeantlaw Moss and Gleniffer Braes West. It contains a sensitive peatland hydrology which supports some vulnerable species, including the Large Heath Butterfly. NatureScot raised no objections to the development, but have produced a report on how the lowland bog habitat can be restored. To prevent any potential impact from the development, a 30 metre-wide hydrological buffer zone has been provided along the south-western boundary of the site. All told, I am satisfied that, subject to appropriate conditions, the development would not conflict with RLDP policy ENV 2 (Natural Heritage).

28. The West of Scotland Archaeology Service has advised that the site is within an area of known archaeological interest. Within the site itself is a former World War II decoy control bunker, a category of monument that is becoming increasingly rare. The appellant has made provision to retain this structure with a five-metre buffer strip around it. I consider that the requirement for a programme of archaeological works prior to construction can be secured through an appropriate condition and that, subject to this, the development would comply with policy ENV 3 (Built and Cultural Heritage).

29. An Outline Sustainable Drainage Strategy was submitted with the planning application. I am satisfied that, subject to the implementation of the necessary measures recommended, the development would not conflict with RLDP policies ENV 4 (The Water Environment) and I 3(Flooding and Drainage).

Conclusions in respect of the development plan

30. Notwithstanding the fact that the proposed development would have some adverse visual impact on the rural character of the landscape to the south-east of Gleniffer Road, for the reasons detailed above, I consider that it would not conflict with the most relevant development plan policies - ENV 1 and I 4. All told, therefore, I conclude that it would be consistent with the development plan.

Other material considerations

31. I have indicated in paragraphs 4 and 5 above the intended purpose of the proposed development. The increased stability and efficiency of the electricity grid would both increase the potential for renewable generation and contribute towards the zero-carbon electricity objective. As such, I consider that the development would help to further the aims of National Planning Framework 3 and Scottish Planning Policy (SPP) in achieving a low-carbon economy in Scotland. SPP also contains a presumption in favour of development that contributes to sustainable development. I consider that the development would make such a contribution. I have also taken account of references in the appellant's submissions to the energy policy framework at both UK and Scottish Government level. All told, I find that the relevant material considerations in this case add support for the proposal.

32. The council has recommended that 14 conditions be imposed on any planning permission that may be granted. The appellant has suggested some amendments to those conditions. The only significant disagreement between the parties concerns the proposed noise condition, where the council is seeking a more cautious approach, such that the rating noise of the equipment should not exceed existing background noise levels at the nearest noise-sensitive property. The appellant does not consider that this is warranted given the likely low background noise levels in the area, and that appropriate noise limits should be set as part of the noise assessment. Whilst appreciating the council's concerns, I am not convinced that it is essential in the circumstances of this case to adopt its position. From the LVIA, I note that the nearest residential properties are generally over one kilometre from

the site and that some of them, away from the B775 road, are likely to experience very low background noise levels. The fact that some noise from the proposed development may be audible at these properties is not, in my opinion, necessarily unacceptable, provided that the absolute noise levels stipulated by the noise assessment are reasonable. The council would have the opportunity to control these noise levels through its approval of the noise assessment. I have therefore adopted the appellant's proposed wording for this condition. Otherwise I have imposed the suggested conditions with some minor modifications and re-ordering.

Overall conclusion

33. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

M D Shiel

Reporter

Conditions

1. Prior to the commencement of development on site, the developer shall submit a noise assessment, including proposed noise limits, for the written approval of the planning authority. The background noise level shall be determined during the most sensitive times of the day/night when the development will be operational. In addition, the LAmax level should not exceed 60 dB during night time periods at the façade of any nearby property. The measurements and assessment should be made in accordance with BS4142:2014+A1:2019 'Methods for rating industrial and commercial sound'. The facility shall thereafter operate in accordance with the noise assessment as approved by the planning authority.
Reason: To protect neighbouring properties from noise in the interests of residential amenity.
2. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the developer and approved in writing by the planning authority, in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved written scheme of investigation.
Reason: To ensure suitable provision is made for investigating unscheduled archaeological remains at the site in the interests of safeguarding the built heritage.
3. Prior to the commencement of development on site, the developer shall submit a detailed drainage assessment for the written approval of the planning authority. The detailed assessment shall take cognisance of the approved outline drainage strategy with respect to the management of surface water. The drainage strategy, as approved in writing by the planning authority, shall thereafter be implemented on site, and shall be maintained in accordance with the measures set out in the approved outline drainage strategy.

Reason: To ensure effective drainage infrastructure is installed on site and maintained appropriately in the interests of effective surface water management.

4. Prior to the commencement of development on site, the developer shall submit a scheme of landscaping for the written approval of the planning authority. The scheme shall include details of existing trees, shrubs and hedgerows to be retained (and measures for their protection) and those that are to be felled; a scheme of tree, shrub and hedge planting and grass seeding and/or turfing; details of all hard surface finishes; measures to promote biodiversity gain at the site; the phased implementation of the proposed landscaping; and details of the management and maintenance of landscaped areas. The scheme, as approved by the planning authority, shall be implemented on site in accordance with the phasing plan, and maintained thereafter in accordance with the maintenance details.

Reason: To ensure a suitable landscape strategy is developed for the site in the interests of visual amenity and biodiversity.

5. Prior to the commencement of development on site, the developer shall submit for the written approval of the planning authority a plan showing the location of all existing boundary walls, fences, gates and any other method of enclosure to be retained, and the location, design and finish of all proposed boundary walls, fences, gates and any other method of enclosure. The development shall thereafter be undertaken in accordance with the approved plan.

Reason: To ensure a suitable scheme of boundary treatment is developed for the site in the interests of visual amenity.

6. Prior to the commencement of development on site, the developer shall submit a specification for the written approval of the planning authority which details the finishing colour of all buildings, containers, plant and other component infrastructure to be developed at the site. The development shall thereafter be undertaken in accordance with the approved specification.

Reason: To ensure the colour of all built elements within the site is reflective of the landscape setting in the interests of visual amenity.

7. Prior to the commencement of development on site, the developer shall submit for the written approval of the planning authority a lighting strategy for the site. The lighting strategy shall be developed in accordance with the Bat Conservation Trust's Guidance Note 08/18 on Bats and Artificial Lighting in the UK. Only the approved lighting strategy shall thereafter be implemented on the site.

Reason: To ensure a sympathetic lighting strategy is developed in the interests of natural heritage and visual amenity.

8. Prior to the commencement of development on site, the developer shall submit for the written approval of the planning authority a plan and specification detailing the existing and proposed site levels and all associated earthworks including cut and fill, any earth mounding, wall retention and all development platforms. The development shall thereafter be undertaken in accordance with the approved plan and specification.

Reason: To ensure all earthworks are appropriate to the location in the interests of visual amenity.

9. Prior to the commencement of development on site, the developer shall submit a

Construction Management Plan for the written approval of the planning authority. The approved Construction Management Plan shall thereafter be implemented on site during the construction phase.

Reason: To ensure the construction phase is managed appropriately in the interests of the safe and efficient operation of the local road network.

10. All works associated with the implementation of a visibility splay measuring 4.5 metres x 215 metres x 1.05 metres shall be undertaken prior to the facility being brought into use. The splay shall thereafter be maintained throughout the life of the development to ensure that no features within the splay shall exceed 1.05 metres in height.
Reason: To ensure the site can be accessed safely.
11. Prior to the facility hereby approved being brought into use, the developer shall submit a road safety audit and traffic management plan for the written approval of the planning authority. The management plan shall identify measures to reduce the speed of vehicles along the stretch of Gleniffer Road conterminous with the visibility splay area, and a timetable for the installation of the measures. The measures shall thereafter be implemented in accordance with the approved plan and timetable.
Reason: To reduce traffic speeds in the interests of traffic safety.
12. All aspects of the implementation of the development hereby approved shall be undertaken in accordance with the recommendations as set out in Section 4 of the preliminary ecological appraisal dated January 2021.
Reason: In the interests of natural heritage.
13. All works associated with the implementation of the facility hereby approved shall be undertaken in accordance with Scottish Environment Protection Agency Guidance for Pollution Prevention for Works and Maintenance in or near Water: GPP5 Version 1.2 February 2018.
Reason: To ensure the risk of pollution is minimised in the interests of protecting the water environment.
14. Six months prior to the facility hereby approved ceasing operations the then operator shall submit a site decommissioning and restoration plan with associated timetable for the written approval of the planning authority. All decommissioning and site restoration works shall thereafter be undertaken in accordance with the plan as approved by the planning authority. On completion of the restoration works, a plan of the restored site shall be submitted to and approved in writing by the planning authority
Reason: To ensure the site is satisfactorily restored following decommissioning in the interests of visual amenity.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning

authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

Schedule of application drawings

3547-REP-001	Site Location Plan
3547-DR-P-0002 Rev 15	Site Layout Plan
3547-DR-LAN-101 Rev C	Landscaping Plan
3547-DR-HYDR-0001	Outline Drainage Layout
3547-DR-P-0010 Rev 1	Indicative Palisade Fence (Drawing No. 03)
3547-DR-P-0011 Rev 2	Indicative Palisade Gate Detail (Drawing No. 04)
3547-DR-P-0012	Indicative Battery Container (Drawing No. 05)
3547-DR-P-0013 Rev 1	Indicative Transformer & HV Compound (Drawing No. 06)
3547-DR-P-0014	Indicative Inverter Cabinets (Drawing No. 07)
3547-DR-P-0015 Rev 2	Indicative RS Building (Drawing No. 08)
3547-DR-P-0016	Indicative Communications Room (Drawing No. 09)
3547-DR-P-0017	Indicative Cooler (Drawing No. 10)
3547-DR-P-0018	Indicative Security Column (Drawing No. 11)
3547-DR-P-0019	Emergency Diesel Generator (Drawing No. 12)
3547-DR-P-0020	Indicative LV Switch House (Drawing No. 13)
3547-DR-P-0024	Proposed Composite Site Layout