



SHEPHERD+ WEDDERBURN

STATEMENT OF APPEAL

ON BEHALF OF

STATKRAFT UK LTD

IN RESPECT OF

APPEAL AGAINST REFUSAL BY RENFREWSHIRE COUNCIL OF
THE INSTALLATION OF A GREENER GRID PARK INCLUDING
ENERGY MANAGEMENT AND BATTERY STORAGE
CONTAINERS WITH ASSOCIATED ACCESS, LANDSCAPING AND
FENCING AT A SITE 400M NORTH WEST OF SERGEANT LAW,
GLENIFFER ROAD, PAISLEY

RENFREWSHIRE COUNCIL REFERENCE: 21/0034/PP

7 FEBRUARY 2022

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1. Introduction

- 1.1 The Planning Application (21/0034/PP) was validated by Renfrewshire Council on 22 February 2021. Prior to the application being submitted, there had been pre-application engagement by the Applicant with the Local Planning Authority.
- 1.2 Prior to the application being submitted, Renfrewshire Council screened the application as not being EIA development (see letter dated 1 October 2020, Ref. APP3.20). During the course of the application, some of the consultation responses raised matters which resulted in a minor refinement of the proposed layout. Two existing transmission pylons are located on the south eastern boundary of the application site and SP Energy Networks (SPEN) confirmed that they would need any boundary fencing to be outwith the footprint of two pylons (APP4.7). The Applicant engaged with SPEN and have resolved the issue through a minor layout amendment (APP4.8). The Applicant received correspondence from the Council including a report which appears to have been instigated by the Council but commissioned by NatureScot relating to a peatland restoration feasibility assessment of the Sergentlaw Moss located to the south west of the site (APP4.10). The report at page 7 of 11 suggested that development should be kept 30m away from the moss. As a consequence, minor layout changes were made to the site layout drawing (APP3.37).
- 1.3 The application was reported to Renfrewshire Council Communities Housing and Planning Policy Board with a recommendation to refuse. The formal Decision Notice relating to the application was issued by Renfrewshire Council on 8 November 2021. There was a single reason for the decision and that was based on landscape and visual impacts of the proposed development.
- 1.4 This Appeal Statement is structured as follows:
2. Background to the Appellant
 3. Background to the Application
 4. Reasons for Refusal and Appellant's Response
 5. Draft Conditions
 6. Appeal Procedure
 7. Suggested Site Inspection
 8. Conclusions

2. Background to the Appellant

- 2.1 The Appellant is Statkraft UK Ltd. Statkraft have invested in the UK since 2006 and have built a diverse and vibrant business delivering across a range of sectors including wind, solar, hydro, storage, grid stability, Electric Vehicle (EV) charging and further emerging energy opportunities (APP5.2). The focus of the business has been to support the UK's rapid transition to net zero through developing, constructing and operating renewable infrastructure. In addition, they are also active in the rapidly growing grid stability and storage sector and have developed this through their Greener Grid Park concept.
- 2.2 Statkraft operate four windfarms: Altwallis (Wales) and Baillie, Berry Burn and Andershaw – all in Scotland. The company operates the Rheidol Hydropower plant in Wales (56MW) and also maintains over 100 large-scale solar sites. Statkraft is also involved in the construction of renewable assets and have recently completed the Windy Rig and Twentyshilling Windfarms in Dumfries and Galloway. In addition, it has an extensive portfolio of further renewable energy

development, which has either been submitted to various Local Planning Authorities that are currently pending determination or in development preparation.

- 2.3 In terms of grid stability, the company currently operates the Keith Greener Grid Park which was commissioned in December 2021. Keith is the world's first new-build stability project utilising rotating stabilisers (APP5.1). It forms part of a plan by National Grid Electricity System Operator (NGESO) to decarbonise the Grid.
- 2.4 The Appellant is currently constructing and will operate the Lister Drive Greener Grid Park (Liverpool) which is due to be completed later this year. It has also received planning permission for a further two Grid Parks at the Feckenham Greener Grid Park (Redditch, England) and Swansea Greener Grid Park (South Wales). Both these schemes incorporate both synchronous compensators and Battery Energy Storage System (BESS) technologies.
- 2.5 The Appellant employs over 280 people within the UK and has also established a Glasgow office in 2019. It continues to seek to innovate and has recently launched an EV charging business and is also an early entrant into the development of green hydrogen within the UK.

3. Background to the Application

- 3.1 The application incorporates a development which includes both synchronous compensators and battery energy storage systems. These are illustrated on the layout plan with the synchronous compensators located in contained buildings and the battery energy storage in lower enclosed housing. In addition, the application involves the necessary grid infrastructure associated with the proposed technology as well as ancillary development including access, internal road layout and landscaping. Appendix 2 sets out a broad 'Statement of Need' which has been prepared by the Appellant. It explains what the facilities would provide in terms of support to the Great Britain Electricity System (GB grid).
- 3.2 The legal and regulatory framework in relation to the GB grid derives from the Electricity Act 1989. Section 3A imposes duties on both the Secretary of State and the Gas and Electricity Markets Authority (which operates through Ofgem). A key part of those statutory duties is to protect consumer interests in relation to both the distribution and transmission of electricity. In addition, further statutory duties are imposed to facilitate both the reduction in emissions of greenhouse gases and ensuring the interests of security of supply. These legal duties are backed up by further legal duties on those licensed under the Electricity Act to distribute and transmit electricity (section 9). They are obliged to establish efficient, co-ordinated and economical systems of electricity distribution/transmission. Within Great Britain, a number of those regulated functions have been transferred to entities which are licensed. Of relevance to the current proposals is the overarching role of the National Grid Electricity System Operator (NGESO). NGESO have overall responsibility for the operation of the GB grid and also play an important role in the forward planning of how the future grid should evolve. There are a number of regulated processes whereby NGESO are obliged to publish and consult on future grid proposals. The implementation of many of these are supported by the transmission owners who own the main transmission networks. Within the area of the proposed development, the transmission network is owned by ScottishPower Transmission and operated under ScottishPower Energy Networks.
- 3.3 Grid regulation is a reserved matter and the current National Policy in relation to grid is to be found in the 2020 White Paper – Powering our Net Zero Future – December 2020 (APP5.8). This document represents a significant change in UK Government Energy Policy and strongly supports the rapid deployment of further renewable capacity in order to meet climate change policy and legally binding targets. Chapter 3 of the White Paper (page 64) sets out the strategic context for Energy System including the GB grid. The main goal which is,

“To deliver energy reliably, while ensuring fair and affordable costs and accelerating our transition to clean energy, we need to create investment opportunities across the UK to enable a smarter, more flexible energy system, which harnesses the power of competition and innovation to the full.”

- 3.4 It then sets out how that will be achieved in conjunction with the Office of Gas and Electricity Markets (Ofgem). It includes the following key outputs:
- Work to minimise the costs to consumers.
 - Ensure electricity networks are able to integrate increasing renewable generation.
 - Make sure that energy system information about supply and demand is used to drive greater efficiency and lower costs.
 - Ensure that the systems, rules and governing institutions support the transition away from fossil fuels.
- 3.5 It then identifies the need to radically change the electricity system and that is reflected in the text under the “The Smart Electricity System” on page 70. This is further supported by the text on page 72 which identifies how the Government will support efficient electricity markets and in particular, the move to smarter systems. In the second column on page 72, there is the express reference that looking to competitive markets to deliver the full value of flexibility and it is specifically identified that this must ensure *“properly rewarding providers of flexibility services”*. This is then linked to the Smart Systems Plan.
- 3.6 The submitted Statement of Need expressly sets out how this specific proposal relates to the delivery of this key Government objective and, in particular, why Neilston has been selected as a key location within the Scottish grid for this particular project. The Statement of Need also highlights how the project responds to specific needs within the Scottish grid system and why the NGENSO Pathfinder 2 tender phase has been directed to Scotland alone. It reflects the particular Scottish circumstances whereby there has been the steady closure of thermal plant whilst also growing penetration of renewable generation.
- 3.7 The proposals contained within the planning application provide critical infrastructure which will give increased stability and flexibility at a critical location within the transmission network. The delivery of the project will help promote both stability, security of supply and help to support the grid being more efficient and effective. In addition, the measures further support the higher deployment of renewable capacity whilst at the same time providing the services which were traditionally provided by thermal plant. It thereby both directly and indirectly is critical to supporting the drive to net zero.
- 3.8 The importance of Grid innovation in meeting climate change objectives was acknowledged at COP 26. The United Kingdom is one of the members of the Steering Committee of the Green Grids Initiative. (APP5.9). The UK is a leader in the field and the Appellant has already played a role in developing this innovation through the Pathfinder 1 project located at Keith, Moray.

4. Reasons for Refusal and the Appellant’s Response

- 4.1 The sole reason for refusal expressed by Notice of 8th November 2021 is in the following terms:

“Reason for Decision

1. That the proposed development, by virtue of its location, scale and visual appearance, will have a significant detrimental impact on local landscape character and visual amenity. It is therefore contrary to policies ENV1 and I6 of the Adopted Local Development Plan 2016, Policies ENV1 and I4 of the Proposed Local Development Plan (2021 as amended), and the associated

New Development Supplementary Guidance on delivering the Environment and Infrastructure Strategies.”

4.2 Appellant's Response

- 4.2.1 The reason for refusal references the then adopted Local Development Plan which dated from 2016. However, on 15 December 2021, the Proposed Local Development Plan was adopted. The Appellant has carefully considered the Report of Handling and note that there are many aspects of the analysis which the Appellant agrees with.
- 4.2.2 Many of the comments regarding the landscape and visual effects are ones which are not disputed, however, there are matters around the edge which the Appellant does not agree with. In that context, the Appellant has instructed TGP Landscape Architects to prepare a landscape and visual response to the reason for refusal via the preparation of the 'Landscape and Visual Statement' (dated Feb 2022) and that this is set out in Appendix 3. In addition to presenting their material, the Landscape Architects have also provided further visual material to explain their position.
- 4.2.3 As indicated earlier, during the application process, minor variations were made to the layout plan (APP3.37) which responded to a couple of matters raised during the application process. The amended layout was never consolidated with the landscape plan within the application drawings. For the purposes of the Appeal, it was thought appropriate to produce a composite plan which reflected the landscaping and the layout which had been varied during the application process (APP1.17). In addition, the Appellant has also received further confirmation about equipment specification associated with the synchronous compensators. Indicative building in the application drawings showed a building height of up to 10m and it has now been confirmed that these would only need to be up to 6m in height. Furthermore, this technology does not require a fire wall. This does not alter the layout of the site. TGP Landscape Architects have experience in assessing grid infrastructure. As indicated earlier, both the synchronous compensators and battery energy storage equipment are accommodated within structures. There is flexibility in terms of the colour of such housing. For the purposes of the TGP visualisations, a differentiated colour has been used between the synchronous compensator buildings and the colour for the battery housing. This allows the different structures to be seen on the visualisations. The precise colour to be used on site is a matter which can be properly controlled and approved through a material condition (see Appendix 5, condition 2). It is likely that a uniform colour might well be selected and approved.
- 4.2.4 The submitted Landscape and Visual Statement also reflects the updated situation of there now being a planned grid stability project to the south west of the existing Neilston substation which the Council has resolved to grant planning permission for (planning ref: 20/0793/PP). It is understood that the issue of the planning permission is waiting for the conclusion of a Section 75 Agreement. As will be seen from the Landscape and Visual Statement, there is agreement with the Council on most aspects of the impacts of the appeal scheme. The material submitted should assist the Reporter in understanding those impacts and also being directed to appropriate locations to potentially view the proposed development from. In addition, the Landscape and Visual Statement also responds to issues associated with the Green Belt and considers the potential effect of the development. In particular, it concludes that the proposed development is particularly well screened from the Green Belt to the north which provides a key recreation and leisure resource (Gleniffer Braes Country Park, Paisley Golf Club and core path network).
- 4.2.5 In the Report of Handling, the Council appear to suggest that the development would be better located on the north west side of Gleniffer Road. The Appellant has

considered this position. In landscape and visual terms, it is not considered appropriate for this scale of development to be located on the north west side of the road. The current minded to consent scheme site is too small to accommodate the development proposed in the appeal proposals. Furthermore, at this stage, these proposals are not mutually exclusive and both may be required in terms of the grid stability.

4.3 Policy Analysis

- 4.3.1 In terms of the analysis of policy, the Appellant has commissioned David Bell from David Bell Planning Ltd to prepare a report (Appendix 4). He has provided a report which analyses the application proposals against the relevant Development and National Plan policies. He also identifies the significant change in the policy framework which has occurred and is occurring in relation to the importance of our response to climate change. His policy analysis is also supported by the UK Energy Policy as set out in the White Paper. It is clear that, if the UK and Scotland are going to deliver on its renewable and climate change targets, the grid system needs to evolve. As identified above, the current application supports the grid in many aspects of delivering a net zero grid system whilst at the same time being part of an efficient and effective response to the challenges faced by the grid. It is clear that the Government is seeking to promote innovation to deliver efficient and effective grid services, which in turn reduce costs to the consumer.

5. Draft Conditions

- 5.1 Appendix 5 provides a set of draft conditions. The Appellant will engage with the Council to see if a set of agreed conditions can be prepared to be put before the Reporter.

6. Appeal Procedure

- 6.1 The Appellant has sought to provide a comprehensive response to the reason for refusal. In the circumstances, the Appellant considers that the appeal can be considered on the basis of the submissions that have been made and the response to be received from the Council. It is however acknowledged that the appeal raises certain technical issues and the Appellant would be more than happy to answer any technical questions that the Reporter may have. Furthermore, as identified above, the Appellant will seek to work with the Council to minimise areas of disagreement and will try and agree the draft conditions.

7. Suggested Site Inspection

- 7.1 The Appellant has provided visualisations at locations which it considers would be appropriate for the Reporter to visit. The site is readily visible from public viewpoints, but should the Reporter wish to take access to the site, this can be facilitated. It is not considered that there would be any biosecurity issues for such access. It is suggested that as well as the viewpoints, the Reporter may wish to visit locations further to the north of the application site which forms parts of the Country Park. The Appellant acknowledges that this area is well used by the public for outdoor leisure and recreation and careful consideration has been given to ensure the project has very limited visibility from those areas.

8. Conclusions

- 8.1 The Report of Handling identified that there was a very strong level of policy compliance both with the Strategic Development Plan and the Local Development Plan in respect of the application. The final decision of the Council was that, on balance, it did not favour the grant of consent.

- 8.2 The Appellant has responded in full to the reason for refusal. It is noted that the extent of the disagreement with the Council is narrow. In addition, the Appellant has also set out the application proposal that should be viewed within the wider policy framework including both of the grid framework and wider climate change legislation and policy. When these are properly evaluated, the appeal should be sustained and planning permission granted.