SPANGO VALLEY: THE 2020 EIA

What was assessed then, and what is missing now

Purpose	A comparison of the environmental information provided for the consented 2020 application on this site (20/0021/IC) with that provided for the 2026 data centre application. Written to support a request that the Council reconsiders its screening opinion, and as the evidence base for a request to Scottish Ministers under regulation 7(4).
Version	v1.0, 31st August 2026
Sources	The 2020 EIA Report (Volumes 1 and 2, Barton Willmore et al, February 2020) and the 2026 application documents, both read in full. Quotations verified against the source text by machine.

Not legal advice. Every factual statement is a quotation from the applicant's own documents or from Inverclyde Council's own scoping opinion, and Annex A maps each one to its source.

1. The conclusion in short

The same site has been through this process before. In 2019 and 2020 a residential-led mixed use scheme for the former IBM site was treated as EIA development, was formally scoped by Inverclyde Council, and produced a fourteen-chapter EIA Report covering noise, air quality, biodiversity, landscape, and population and human health.

The 2026 data centre proposal is larger in floorspace, taller, industrial in character, operates continuously, and carries 150 MW of electrical load with a 99.9 MW battery array alongside. It was screened out.

Four comparisons carry the argument.

1. Noise. In 2020 an exceedance of 13 dB over background was described by the applicant's own acoustician as "significant impact", against a criterion of +5 dB agreed with the Council's Environmental Health Officer, and was mitigated by a purpose-designed six metre acoustic barrier. The data centre exceeds background by 14 dB during the day with no mitigation applied.
2. Human health. A full chapter in 2020, using the World Health Organisation definition of health and cross-referenced to the noise and air quality chapters. Nothing at all in 2026.
3. Ecology. A preliminary appraisal, a bat activity survey and a National Vegetation Classification survey in 2020, all carried out in season. A single walkover in March 2026 and eight surveys still outstanding.
4. Parameters. Six categories of development parameter fixed across six Parameter Plans in 2020, on an application of exactly the same type. One height figure and an indicative layout in 2026.

The point is not that the 2020 scheme was benign. It is that the Council and the applicant both treated this site, at a smaller scale and a lower intensity, as one where these effects had to be assessed before the principle was settled.

2. The two applications side by side

	2020 mixed use (20/0021/IC)	**2026 data centre**
EIA status	Schedule 2, paragraph 10(b), "urban development project". Full EIA Report, 14 chapters plus technical appendices.	Screened out. Opinion ref 26/0002/SCREEN, 22nd May 2026.

	2020 mixed use (20/0021/IC)	2026 data centre
Scoping	Scoping Report 19th September 2019. Council Scoping Opinion 19/0009/SCOPE adopted 15th November 2019, with consultation responses from SEPA, SNH, Environmental Health, Roads, Education and HES.	None sought.
Site area	32.4 ha (31 ha in the scoping opinion)	28.21 ha, plus c.8.75 ha for the BESS
Commercial floorspace	c.20,000 sqm	c.80,000 sqm (74,800 sqm in the Transport Assessment)
Operational jobs	418 gross, 303 net additional	approximately 50
Maximum height	15 m to ridge (employment), 11 m (leisure), up to 4 storeys (residential). EIA states the scheme "will not comprise any tall or commercial buildings which will be greater in scale or height than those adjacent to the Site".	18 m buildings, with rooftop plant modelled at 20 m above ground
Operating hours	Daytime commercial, residential	24 hours a day, continuously
Electrical load	Not a material consideration	150 MW maximum, 150 MW Gate 2 grid connection secured
Noise	Full chapter plus technical appendix. Criterion of +5 dB agreed with Environmental Health. Purpose-designed mitigation.	Standalone Noise Impact Assessment, no plant data, no mitigation modelled
Air quality	Full chapter plus 43-page technical report	Two-page screening letter concluding that the assessment is still required
Ecology	Full chapter, PEA, bat activity survey, NVC survey	Preliminary Ecological Appraisal only
Human health	Full chapter, 34 pages	None
Cumulative and interactive effects	Chapter 14, with an interactive effects matrix under regulation 4(2)	None across topics
Development parameters	6 categories, 6 Parameter Plans, Figures 3.1 to 3.6	1 height figure, 1 indicative layout

3. What the Council itself required in 2019

Inverclyde Council adopted a scoping opinion for this site on 15th November 2019 under reference 19/0009/SCOPE. The 2020 EIA Report records it:

> *"A Scoping Opinion was subsequently adopted by the Council on 15 November 2019 (reference: 19/0009/SCOPE) and is included within Technical Appendix 2.2."*
>
> EIA Report Chapter 2, paragraph 2.3

Eight disciplines were scoped in: Traffic and Transportation; Water Resources and Flood Risk; Ground Conditions and Contamination; Biodiversity; Noise and Vibration; Air Quality; Landscape and Visual Effects; and Population and Human Health.

The opinion itself is a scanned document. The passages below were read by optical character recognition and should be checked against the PDF before being quoted in correspondence, but the substance is clear.

On biodiversity

> *"surveys for bats, otters, badgers and water voles should be undertaken where suitable habitat exists. A breeding bird survey should also be undertaken. It is expected that all survey work is presented as part of the EIA Report."*
>
> Scoping Opinion 19/0009/SCOPE, section 9 (OCR)

The opinion also required habitats matching Annex 1 of the Habitats Directive or UK BAP priority habitats to be mapped to NVC standard with supporting quadrat information.

On landscape

The Council asked for an additional viewpoint "on the Core Path adjacent to the Greenock Cut". That is the receptor group where the 2026 Landscape and Visual Appraisal finds moderate adverse effects during construction.

On SEPA

> *"The issues set out in their response must be assessed in the Environmental Impact Assessment process. The failure to submit this information may result in delay and potential objection from SEPA when consulted on the planning application."*
>
> Scoping Opinion 19/0009/SCOPE, section 7

On the Council's own resources

The opinion records that the Council "does not employ an in-house biodiversity officer" and "does not have any in-house landscape advisors", and that it commissions external consultants by tender at application stage. That raises a fair question about the 2026 screening opinion: which specialist advice, if any, informed it.

4. Topic by topic

4.1 Noise

This is the clearest comparison in the file, because a numerical criterion was agreed with the Council and is on the record.

> *"The following assessment criterion was agreed through consultation, for the assessment of industrial / commercial noise: A maximum exceedance of rating sound level over background sound level of +5 dB."*
>
> EIA Report Chapter 10, paragraph 10.43

The 2020 scheme breached that criterion, and the EIA said so:

> *"The maximum predicted excess in accordance with BS 4142 is 13 dB, 8 dB over the agreed criterion, which indicates a moderate adverse effect. The results, therefore, indicate significant impact at some noise sensitive receptors."*
>
> EIA Report Chapter 10, paragraph 10.79

The response was a designed physical mitigation, not a deferral:

> *"a six metre tall, L-shaped acoustic barrier (30 m by 10 m) is proposed in proximity to the substation. This acoustic barrier would be constructed of at material with density of at least 60 kg/m3 due to the low frequency content of the substation noise."*
>
> EIA Report Chapter 10, paragraph 10.88

With that barrier and a 2.4 m barrier along the A78, Chapter 14 records the residual industrial and commercial noise effect as Negligible.

The 2026 Noise Impact Assessment predicts the data centre will exceed background by up to 14 dB during the day and up to 9 dB at night, describes the daytime result as equating to Major Adverse Impact under BS 4142, and applies no attenuation to any modelled source. Mitigation is deferred to the detailed design stage.

The difference to concede

In 2020 the noise ran from an existing source, the IBM local substation, onto proposed new residents, so the agent of change principle placed the burden on the developer to design it out. In 2026 the noise runs from new plant onto existing homes at Flatterton Road, approximately 160 m away. That is a different direction of travel, and it should be stated rather than glossed. It does not displace the criterion. The +5 dB figure is the standard the Council's own Environmental Health Officer agreed for industrial and commercial noise at this site, and NPF4 Policy 23(e) points the same way where the receptors are existing homes.

Scale of source

The 2020 exceedance came from a substation whose transformers were measured at a sound power level of 85.7 dB LwA each. The 2026 model carries, for each of four data centre buildings, 18 dry air chillers at 90 dBA, 12 air handling unit intakes at 88 dBA, 4 high capacity heat pumps at 86 dBA, 3 chillers at 86 dBA and 20 external transformers, with all rooftop plant at 20 m above ground. The 2026 source term is not comparable to the 2020 one, and it produces a larger exceedance with nothing designed against it.

4.2 Population and human health

The 2020 EIA contained a full chapter. It defined its subject broadly:

> *"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity"*
>
> EIA Report Chapter 13, paragraph 13.55, quoting the World Health Organisation

It assessed construction and operational effects on nearby sensitive receptors qualitatively, cross-referencing the noise and air quality chapters, and reviewed the Scottish Public Health Observatory health profile for Inverclyde. That profile records Inverclyde as worse than the Scottish comparator on, among other measures, patients hospitalised with asthma, patients hospitalised with COPD, patients with emergency hospitalisations, and population prescribed drugs for anxiety, depression or psychosis.

The 2026 application contains no human health assessment of any kind. NPF4 Policy 23(b) provides that development proposals likely to have a significant adverse effect on health will not be supported, and that a Health Impact Assessment may be required.

Note also what drove the 2020 chapter's beneficial findings. Moderate beneficial effects on population and housing, local expenditure and employment, and a minor beneficial effect on wider human health, all rested on

450 homes and 303 net additional jobs. A proposal delivering no housing and approximately 50 jobs does not inherit those conclusions.

4.3 Biodiversity

The 2020 chapter was supported by three surveys, listed in its own appendix schedule: a Preliminary Ecological Appraisal (Technical Appendix 9.1), a Bat Activity Survey (Technical Appendix 9.2) and a National Vegetation Classification Survey (Technical Appendix 9.3). The bat survey was carried out on 26th June 2019 in suitable weather. The NVC survey was carried out in June 2019, within the main growth season, and identified NVC communities MG9, MG10, MG11 and W6, which SEPA guidance lists as potentially groundwater dependent.

The 2026 application rests on a single habitat survey carried out on 26th March 2026, before every survey season its own report then specifies. The Preliminary Ecological Appraisal states that an Ecological Impact Assessment "is required" and lists eight further surveys as outstanding, including the bat, water vole and GWDTE work that was done in 2019.

On groundwater dependent terrestrial ecosystems the position has gone backwards. In 2020 the communities were characterised by NVC survey. In 2026 the appraisal says only that there is "potential" for GWDTEs to be present and recommends a hydrological risk assessment that has not been carried out.

4.4 Air quality

The 2020 EIA contained a full chapter supported by a 43-page technical report. The 2026 application contains a two-page screening letter which concludes that the assessment is still to come:

> *"The screening assessment concludes that air quality is considered to be a material concern and there is requirement to proceed to a full Air Quality Assessment at a detailed planning stage."*
>
> Air Quality Screening Assessment, 15th July 2026, covering letter

One further point. The 2020 EIA's interactive effects matrix at Table 14.2 identifies "Operational road and plant emissions" as an effect on both the local population and ecology, for a residential scheme. The 2026 screening letter states that the data centre "does not include on-site combustion plant, flues or other significant operational emission sources".

4.5 Landscape, visual and height

The 2020 EIA fixed heights as a development parameter and described the scheme in these terms:

> *"the scale of the proposed development will be in keeping with the surrounding context, and will not comprise any tall or commercial buildings which will be greater in scale or height than those adjacent to the Site"*
>
> EIA Report Chapter 3, paragraph 3.27

> *"The proposed employment use will be up to a maximum of 15m (to ridge height) above ground level and the proposed leisure/community use will be up to 11m (to ridge height) above ground level"*
>
> EIA Report Chapter 3, paragraph 3.28

The data centre proposes buildings to 18 m, with rooftop plant modelled at 20 m. It is taller than anything the EIA assessed on this site, and the 2026 Landscape and Visual Appraisal does not state the height used in its screened zone of theoretical visibility.

The direction of the assessed effect has also reversed. Chapter 14 records the 2020 completed development as Minor to Major Beneficial on landscape and townscape character and Neutral to Moderate Beneficial on visual receptors. The 2026 appraisal reports moderate adverse effects on receptors from the Greenock Cut during construction, reducing to minor adverse.

4.6 Major accidents and disasters

This topic was scoped out in 2020, and the reason given cannot be carried across:

> *"The proposed development is residential led mixed use in nature and does not include uses which are considered to be hazardous"*
>
> EIA Report Chapter 2, paragraph 2.16

The Council raised no objection to that scope-out, so the reasoning is on the record as the Council's as well as the applicant's. It was reasoning about a housing scheme. A data centre with standby fuel storage and a 99.9 MW lithium battery array on the adjacent site is a different proposition, and nothing in the 2026 application assesses it.

4.7 Climate change and energy

Climate change and greenhouse gases was scoped out as a separate chapter in 2020, on the basis that a proportionate treatment within other chapters was adequate "for a development of this nature". The Council agreed. Again, that was a judgement about a residential-led scheme.

The 2020 application was nonetheless supported by a Statement on Energy prepared by Carbon Futures, dated 5th August 2020, which assessed eleven low and zero carbon generating technologies against Policies 5 and 6 of the Inverclyde Local Development Plan and included a heat network feasibility study.

The 2026 application, for a development with a 150 MW maximum electrical capacity, contains no energy statement, no carbon assessment, no design PUE and no Heat and Power Plan. Its answer to LDP Policy 6 rests on the co-located BESS, which the Planning Statement says will not be directly connected to the data centre.

4.8 Development parameters

Both applications are for planning permission in principle. The 2020 one explained what that requires:

> *"Development Parameters detail all the limits, or controls, necessary to define and fix those aspects of a development capable of having significant environmental effects. This will enable planning conditions to be drawing up and agreed to control the implementation of the proposed development."*
>
> EIA Report Chapter 3, paragraph 3.17

Six categories followed: the location and types of land use; the maximum quantum of floorspace for the uses proposed; the maximum heights of development; roads hierarchy; drainage; and access and linkages. Each was drawn as a Parameter Plan, Figures 3.1 to 3.6, and the Indicative Masterplan at Figure 3.7 was expressly subordinate to them, showing "one way in which the proposed development could be delivered in accordance with the Parameters Plans".

The 2026 application offers a maximum height of 18 metres, an approximate floorspace of 80,000 sqm which the Transport Assessment assesses at 74,800 sqm, and an Indicative Layout with no parameter plans behind it. Floorspace, plant, water demand, cooling type, standby generation and car parking are all deferred to an operator the Planning Statement says will be confirmed after permission is granted.

5. What is not being argued

Setting out the limits of the argument first makes the rest of it harder to dismiss.

- It is not argued that an EIA was legally mandatory. Schedule 2 development requires an EIA where the authority judges significant effects to be likely. That judgement is what is in question, not compliance with a mandatory threshold.
- It is not argued that the applicant has acted improperly, or that the project has been divided deliberately. Intention is irrelevant to the legal test in any event.
- It is not argued that the 2020 EIA covers the 2026 proposal or can be relied on as a baseline for it. The opposite is argued. Its baseline is at least six years old and it assessed a different development.
- It is not argued that the site should not be developed, or that a data centre is an unacceptable use in principle on allocated brownfield land.
- It is conceded that the data centre generates substantially less traffic. The 2020 scheme predicted approximately 6,600 two-way operational vehicle movements per day. The 2026 proposal predicts 1,283 people trips. The applicant's claim of a net decrease in traffic is fair. It does not follow that the environmental effects are smaller, because the effects that characterise a data centre, continuous plant noise, standby generation, energy and water demand and 18 m massing, are precisely the ones the 2020 scheme did not have.
- It is conceded that the direction of the noise effect differs between the two schemes, as set out at 4.1.
- The scoping opinion 19/0009/SCOPE was read by optical character recognition from a scanned PDF. Passages attributed to it should be checked against the original before being relied on.

6. What is being asked

Of Inverclyde Council

5. To publish the screening opinion 26/0002/SCREEN and the reasons for it. Regulation 28 of SSI 2017/102 requires screening requests, opinions and the reasons for them to be made available for public inspection for two years. It was not on the planning register at the time of writing, and the reasoning cannot be tested until it is.
6. To state what specialist advice informed the screening opinion, given that the Council has recorded that it employs neither an in-house biodiversity officer nor an in-house landscape advisor, and commissions both externally at application stage.
7. To explain why the effects listed in this note, which required assessment on this site in 2019 for a smaller and less intensive scheme, do not require assessment now.
8. To require the applicant to state in writing whether the data centre depends on the BESS for backup or standby power, and whether the development will include standby generation and fuel storage.
9. If permission in principle is granted, to impose a parameters schedule by condition on the model the applicant's predecessor used on this site: maximum floorspace, maximum installed IT load in MW, maximum number, rating, fuel and stack height of standby generators with annual test hours, maximum annual, peak day and peak hour water demand, cooling type, design PUE, and a boundary noise limit for day and night periods expressed as a BS 4142 rating level at the Flatterton Road receptors.

Of Scottish Ministers

Regulation 7(4) of SSI 2017/102 permits any person to request a screening direction in writing, and regulation 6(3) provides that a direction supersedes the authority's opinion. Regulation 7(6) serves the direction and its reasons on the person who requested it, so the request should be made in the name of whoever needs to be served.

This note is intended to be usable as the evidence base for that request. The material facts are that the same site was treated as EIA development in 2019 and 2020 for a smaller scheme, that the Council formally scoped eight disciplines into that assessment, and that three of the applicant's own 2026 reports, all postdating the screening opinion, identify a potential Major Adverse noise impact, a material air quality concern and an outstanding requirement for an Ecological Impact Assessment.

Of SEPA and NatureScot

SEPA warned in 2019 that failure to address its issues through the EIA process "may result in delay and potential objection from SEPA when consulted on the planning application". It is worth asking SEPA whether its 2019 position is met by the 2026 submission, and asking NatureScot whether the ecological connection to the Renfrewshire Heights SPA requires consideration under the Conservation (Natural Habitats, &c.) Regulations 1994.

Annex A. Sources

Quotations from the 2020 EIA Report and the 2026 application were extracted from the source PDF.

Quotation (opening words)	Document	Location
"The proposed development is considered to constitute a Schedule 2 development… as an 'urban development project'…"	2020 EIA Report Vol 1, Ch 1	Para 1.5
"A Scoping Opinion was subsequently adopted by the Council on 15 November 2019 (reference: 19/0009/SCOPE)…"	2020 EIA Report Vol 1, Ch 2	Para 2.3
"The proposed development is residential led mixed use in nature and does not include uses which are considered to be hazardous"	2020 EIA Report Vol 1, Ch 2	Para 2.16
"Development Parameters detail all the limits, or controls, necessary to define and fix those aspects of a development capable of having significant environmental effects."	2020 EIA Report Vol 1, Ch 3	Para 3.17
"…will not comprise any tall or commercial buildings which will be greater in scale or height than those adjacent to the Site"	2020 EIA Report Vol 1, Ch 3	Para 3.27
"The proposed employment use will be up to a maximum of 15m (to ridge height) above ground level…"	2020 EIA Report Vol 1, Ch 3	Para 3.28
"A maximum exceedance of rating sound level over background sound level of +5 dB."	2020 EIA Report Vol 1, Ch 10	Para 10.43
"The maximum predicted excess in accordance with BS 4142 is 13 dB, 8 dB over the agreed criterion…"	2020 EIA Report Vol 1, Ch 10	Para 10.79
"a six metre tall, L-shaped acoustic barrier (30 m by 10 m) is proposed in proximity to the substation…"	2020 EIA Report Vol 1, Ch 10	Para 10.88
"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity"	2020 EIA Report Vol 1, Ch 13	Para 13.55
"On the basis of the proposed development generating 303 net additional jobs…"	2020 EIA Report Vol 1, Ch 13	Para 13.108
"Technical Appendix 9.2: Bat Activity Survey" and "Technical Appendix 9.3: National Vegetation Classification (NVC) Survey"	2020 EIA Report Vol 1, Ch 9	Appendix schedule
Residual significance table, including the L-shaped acoustic barrier and the Population & Human Health beneficial effects	2020 EIA Report Vol 1, Ch 14	Table 14.1
Interactive effects matrix, "Operational road and plant emissions"	2020 EIA Report Vol 1, Ch 14	Table 14.2
"surveys for bats, otters, badgers and water voles should be undertaken…"	Scoping Opinion 19/0009/SCOPE	Section 9

Quotation (opening words)	Document	Location
"The issues set out in their response must be assessed in the Environmental Impact Assessment process…"	Scoping Opinion 19/0009/SCOPE	Section 7
Statement on Energy assessing eleven LZC technologies against LDP Policies 5 and 6	Carbon Futures, 5th August 2020	Whole document
"The screening assessment concludes that air quality is considered to be a material concern…"	2026 Air Quality Screening Assessment	Covering letter
"…potential for Major Adverse impacts at local receptors located at the top of Flatterton Road."	2026 Noise Impact Assessment v2	Exec Summary; Section 7
"an Ecological Impact Assessment (EcIA) is required."	2026 Preliminary Ecological Appraisal	Section 4.2.1
"It is anticipated that confirmation of the operator will be provided following the grant of PPP."	2026 Planning Statement	Para 5.24

Annex B. Assumptions and gaps

What was read

For the 2020 application: the Non-Technical Summary, and Volume 1 chapters on Introduction, Methodology, Site and Development Description, Alternatives, Construction, Traffic and Transportation, Water Resources and Flood Risk, Ground Conditions, Biodiversity, Noise and Vibration, Landscape and Visual, Population and Human Health, and Summary and Conclusions; plus Volume 2 appendices on the Scoping Opinion, Scoping Correspondence, Sensitivity Analysis, the Noise Impact Assessment, the Air Quality Assessment Technical Report, Landscape methodology, policy and effects tables, and the Updated Flood Risk Assessment; plus the Carbon Futures Statement on Energy. For the 2026 application: all 34 portal documents except the 15-part Initial Ground Investigation Report.

Not read

- Volume 2 Technical Appendices 9.1 to 9.4 (the 2020 ecology surveys themselves), 10.1 (the noise monitoring data) and 2.1 (the Scoping Report).
- The screening opinion 26/0002/SCREEN, which is not on the planning register.
- The section 36 application for the BESS and its supporting documents, on the Energy Consents Unit portal.

Assumptions

- That the 2020 EIA Report as provided is the version determined with application 20/0021/IC. A revised application (22/0225/IC) was approved in March 2023 increasing the residential element to 450 units; whether any environmental information was updated for it has not been checked.
- That commercial floorspace in the 2020 scheme was c.20,000 sqm, taken from the employment density table at Chapter 13. The scoping opinion records a lower figure of c.15,000 sqm employment floorspace from the Scoping Report stage, so the two documents differ. Either figure leaves the 2026 proposal at three to five times the assessed commercial floorspace.
- That paragraph numbering quoted here matches the published PDFs. It was spot-checked rather than verified page by page.

Legal points and their limits

- Regulation references are to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, SSI 2017/102. The English instrument, SI 2017/571, numbers its provisions differently. The 2020 EIA Report itself cites "Regulation 18 and Schedule 4(2)" for alternatives, which is the English numbering; the Scottish provision is regulation 5(2)(d).
- Whether a data centre falls within the NPF4 Annex F definition of essential infrastructure is arguable and untested.
- This note is not legal advice. The Environmental Rights Centre for Scotland acts for environmental campaigners free of charge and knows this sector.