

Agenda Item	5.4
Report No	PLN/054/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 10 August 2022

Report Title: 22/02291/PAN: Acorn Bioenergy
Land 350M South Of Fearn Aerodrome, Fearn

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection and operation of an anaerobic digestion plant and ancillary infrastructure

Ward: 07 – Tain and Easter Ross

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 06 June 2022. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan
 - Public Notice of Pre-application public consultation
 - Site Layout Plans
 - Supporting Statement Cover Letter
- 1.4 Due to relaxations in COVID-19 restrictions, the applicant held a public event on Wednesday 29 June 2022 at the Seaboard Centre, Balintore, Tain, between 15:00h and 19:00. The event was advertised in the Ross-shire Journal on Friday 17 June 2022 in accordance with the minimum statutory requirement for PAC events to be advertised a minimum of 7day prior to the event. The applicant was requested to undertake a letter drop to all households within 2.5km of the proposal site in accordance with the Council's requirements however advised that due to logistical issues they were unable to complete this request. The applicant did however additionally advertise the event through the Seaboard Centre's Newsletter. The Council has subsequently received feedback of the event, which has been provided to the applicant's agent.
- 1.5 In addition to the in person event, the applicant is hosting an online consultation through the agent's webpage at the following link
<https://www.ghjohnston.co.uk/planning/community-engagement-2/>
The webpage includes an exhibition of the proposal and an online feedback form
- 1.6 Details of all notified parties are contained / appended to the PAN form and include Nigg and Shandwick, Balintore and Hilton, and, Fearn Community Councils as well as local ward Councillors.
- 1.7 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The PAN provides notice of the applicants intention to submit a planning application classified as a major development. The proposed development comprises the construction and operation of an Anaerobic Digestion plant and associated

infrastructure with a generating capacity of 100GW per year. The AD plant and associated infrastructure include:

- Gas Flare
- Biogas Upgrading & CO2 Recovery Unit
- Feed Hopper
- Grid Entry Unit
- Heat Exchanger
- Chiller
- CO2 Tanks
- Rainwater Lagoon
- Silage Clamps
- Digestate Storage Lagoons.

- 2.2 The proposal is the first of a larger scheme that includes further Anaerobic Digestion Plants in Moray and Aberdeenshire, which would be linked to a central Ingestion Hub earmarked for Morayston. The facility would use raw materials in the form of agricultural waste to convert biogas to biomethane, which it is intended for use to power vehicles or to provide heat for the national grid. The biomethane would be transported via road to the Injection Hub.
- 2.3 The indicative Site Layout Plan shows five digestion tanks and the gas flare positioned to the rear of the site along the north and east boundaries, silage clamps located centrally within the facility, a rainwater lagoon along the eastern boundary, while the four covered digestate storage lagoons are sited along the west and southern boundaries. Additional buildings and facilities as above will be erected within the facility. The majority of the site will be laid out to hardstanding, which includes an internal access road linking the facilities with the site access, which is taken from the south via a new junction with the private Easter Airfield track that encircles the disused aerodrome, and connects to the B9166 beyond the Fearn Drome Industrial Estate to the east. Six parking spaces for staff and visitors are indicatively located at the site entrance, while six trailer bays are located in the northwest of the site. Perimeter bunding of one meter height along with additional planting is proposed for screening.
- 2.4 The applicant has not sought pre-application advice through the Council's Pre-Application Advice Service for Major Developments.

3.0 SITE DESCRIPTION

- 3.1 The site, which covers 8.8ha, is located within the former Fearn Aerodrome site, and is immediately west of the Inner Moray Firth Local Development Plan (IMFLDP) allocation FE1: Fearn Aerodrome, which is allocated for Business and Industrial use. The disused aerodrome is largely comprised of large open agricultural fields, which is the current land use. To the west of the site is the Airfield Croft and Old Weldex Yard, while the southern boundary runs along the aforementioned unnamed single track road to the south. To the south of the track beyond scrub and a field drain, is Easter Airfield, with the site being well within the safeguarding area for that resource.
- 3.2 The site sits within the Lowland Farmed Plain – Ross & Cromarty Landscape Character Type (LCT334) as defined by NatureScot, and within a shallow bowl in the landscape where the land rises slightly more steeply towards the coastal cliffs to the

south than to the north. There are several agricultural and industrial buildings surrounding the airfield, particularly to the north and west, as well as ruined military and aerodrome buildings at the disused camp to the southeast. The wider area is characterised by dispersed housing, farm steadings, and agricultural businesses, with the Seaboard Villages of Shandwick, Balintore, and Hilton 1.4km west at the nearest point.

- 3.3 There are no natural or built heritage designations within the site however the coast, some 1.5km southeast is covered by the Moray Firth Special Area of Conservation (SAC), protected for subtidal sandbanks and dolphin, and Special Protection Areas (SPA), protected for marine waterbirds. The Rosemarkie to Shandwick Coast Site of Scientific Special Interest (SSSI), designated for its geographical and biological features, is 1.7km southwest, while the regionally designated Sutors of Cromarty, Rosemarkie and Fort George Special Landscape Area (SLA) is approximately 1.8km south. The site is within an area of known 1:200 year flood risk from fluvial sources and medium flood risk from pluvial sources.

4.0 DEVELOPMENT PLAN

The following policies are relevant to the assessment of the proposal:

4.1 Highland Wide Local Development Plan (2012) (IMFLDP)

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constrains
31 - Developer Contributions
36 - Development in the Wider Countryside
57 - Natural, Built and Cultural Heritage
58 - Protected Species
61 - Landscape
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
72 - Pollution
73 - Air Quality
77 - Public Access

4.2 Inner Moray Firth Local Development Plan (CaSPlan) (Adopted 2018)

No specific policies on the site itself however it is adjacent to IMFLDP business and industrial allocation FE1: Fearn Aerodrome.

4.3 Inner Moray Firth Local Development Plan 2 (IMFLDP2)

The review of the IMFLDP is currently at Proposed Plan stage. The Proposed Plan is a material consideration in the assessment of the application and can be afforded weight as it represents the settled view of the Council. However, it may be subject to change following consultation or through the Examination process. The site is not included as an allocated site within the Proposed Plan.

4.4 **Highland Council Supplementary Guidance**

- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Sustainable Design Guide (Jan 2013)
- Special Landscape Area Citations (Jun 2011)
- Onshore Wind Energy Supplementary Guidance (OWESG) (Nov 2016) and Addendum Supplementary Guidance: Part 2b (2017)

4.4 **Scottish Government Policy and Guidance**

- Scottish Planning Policy (June 2014)
- National Planning Framework 3, NPF3 (June 2014)
- Draft National Planning Framework 4 (November 2021)
- Scotland's Energy Strategy 2017 and Scotland's Energy Strategy Position Statement (Mar 2021)
- PAN 1/2021 – Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Energy Efficient Scotland Route Map (May 2018)

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan
- b) National Policy
- c) Planning History
- d) Design and Layout
- e) Landscape and Visual Impact (~~including cumulative impacts~~)
- f) Construction Impacts
- g) Roads, Transport, and Access (including while operational)
- h) Noise and odours
- i) Natural Heritage (including ornithology)
- j) Water, Flood Risk, and Drainage
- k) Economic Impact
- l) Decommissioning
- m) Any Other Material Considerations (including any raised within representations)

6.0 **CONCLUSION**

- 6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have

been summarised as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 IMPLICATIONS

7.1 Not applicable.

8.0 RECOMMENDATION

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North

Author(s): Mark Fitzpatrick

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Proposal of Application Notice

Plan 2 – Location Plan

Plan 3 – Site Layout Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The Council will respond within 21 days of receiving the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required. Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

<p>Applicant:</p> <p>Acorn Bioenergy</p> <p>Address:</p> <p>Phone E-mail</p>	<p>Agent:</p> <p>GH Johnston Building Consultants Ltd</p> <p>Address:</p> <p>Willow House/Stoneyfield Business Park, Inverness, IV2 7PA</p> <p>Phone: 01463 237229 E-mail: kenny@ghjohnston.co.uk</p>
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Address or Location of Proposed Development

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice.

Fearn Airfield, West of Seaboard Villages

Description of Development

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

Development of a 100GW per year Anaerobic Digestion Plant. Refer to supporting statement for details.

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

If yes, please provide a copy of this Opinion.

No

Community Consultation [See checklist of Statutory minimum consultation attached]

State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s

Nigg and Shandwick CC - secretary@nascc.org.uk

Balintore and Hilton CC - TBC

Fearn CC – fearnccchair@outlook.com

Date Notice Served

16/05/2022

Names/details of any other parties

Please give details of proposed consultation

Proposed public event

Intend to provide an in-person event/exhibition within 6 months of the submission date of this notice. Additionally, as required we will notify the Community Councils and undertake Local Press Advertising in advance, one week prior or longer, giving plenty of notice and to ensure we can obtain as much feedback on the proposal as possible during this period.

Newspaper Advert – Ross-shire Journal (Press and Journal)

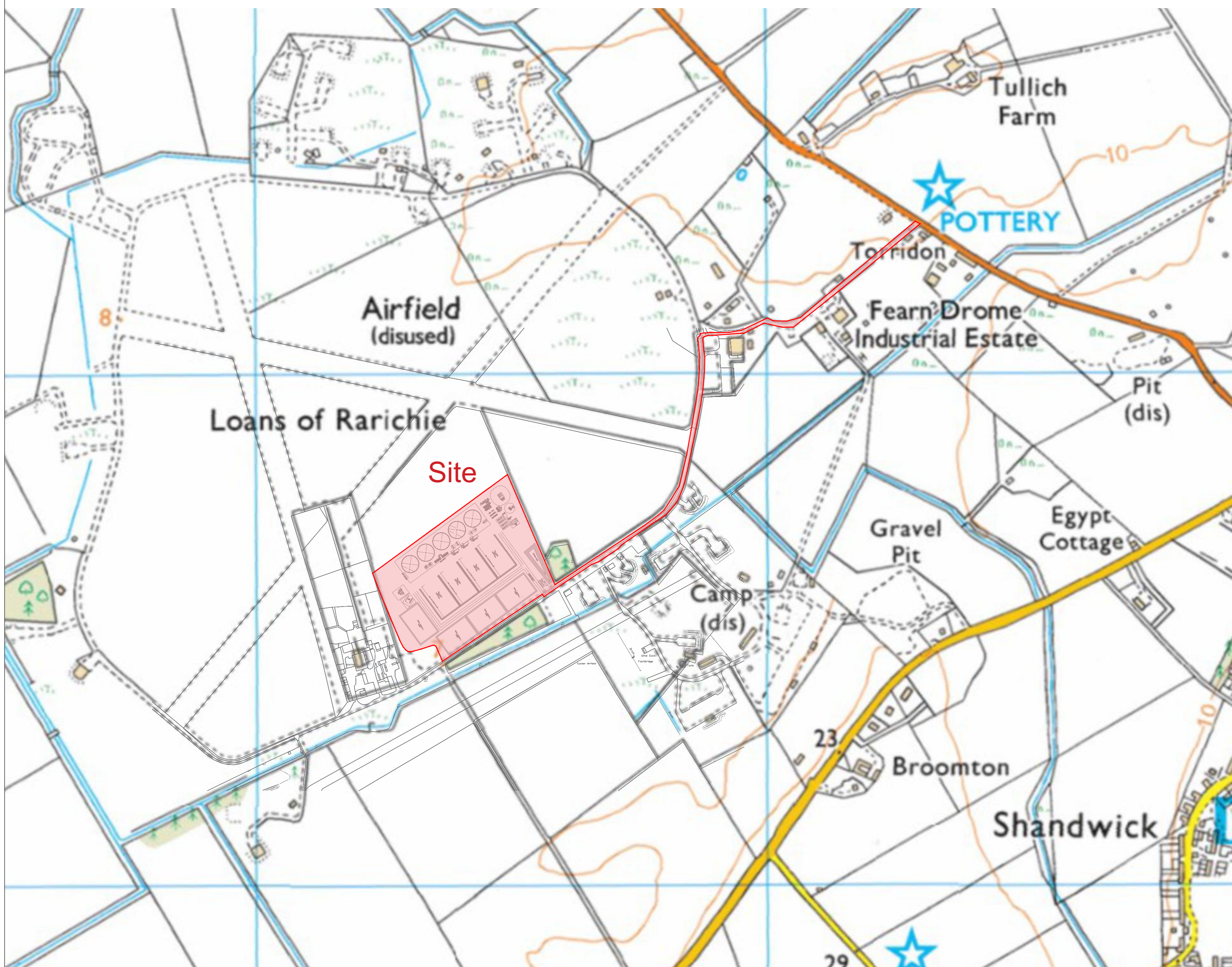
Details of any other consultation methods (date, time and with whom)

Intend to provide an online event/exhibition within 6 months of the submission date of this notice to be hosted in tandem with an in-person one, and for a period of no less than 7 days from it going live. It is anticipated that responses, where required, during the inline event will be acknowledged and where possible responded to within a 48-hour period to allow for ongoing interaction with both the community and key stakeholders.

DO NOT SCALE, IF IN DOUBT PLEASE ASK
All setting out must be checked on site prior to commencement.
Any discrepancy must be reported to G H JOHNSTON Building Consultants Ltd



Site area : 80683 sqm
8.1 ha



Rev.	Description	Drawn	Date
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Willow House, Stoneyfield Business Park
Inverness, IV2 7PA
technical@ghjohnston.co.uk
Tel: 01463 237229
www.ghjohnston.co.uk

Client
Acorn Bioenergy

Project
AD Plant Project at
Fearn

Drawing
Location Plan

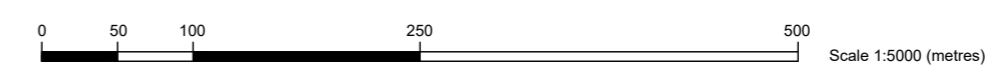
Status
Project Application / Screening

Scale 1:5000 Date 08/04/21

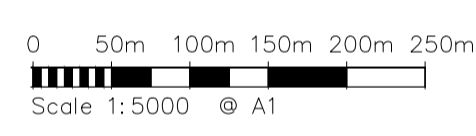
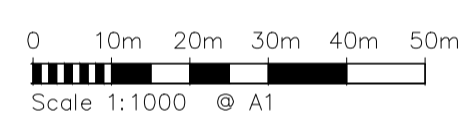
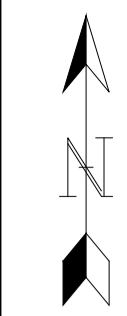
Sheet A2 Drawn by CL

Drawing No:
2793 / PL001

Rev



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SITE LOCATION PLAN
Scale: 1:5000 @ A1



SITE PLAN
Scale: 1:1000 @ A1

- NOTES:
- All dimensions must be checked on site and not scaled from this drawing.
 - The Contractor shall make a survey of the site and shall be responsible for obtaining all dimensions and levels necessary for the proper fabrication of the structure as indicated.
 - All levels shown on this drawing are relative to Agreed Topographic survey
 - This drawing is to be read in conjunction with P92469/100 Series Drawings.
 - All existing invert levels are to be confirmed by contractor prior to construction. Connection subject to approval.

— Site Red Line Boundary (7.1Ha)

Rev	Date	Description	DR	CH
E	03/05/22	ISSUED FOR APPROVAL	DJC	JHC
D	28/04/22	ISSUED FOR APPROVAL	DJC	JHC
C	19/04/22	ISSUED FOR APPROVAL	DJC	JHC
B	13/04/22	ISSUED FOR APPROVAL	DJC	JHC
A	17/03/22	ISSUED FOR APPROVAL	DJC	DJC

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Client

Job Title
Fearn Farm AD

Drawing Title
General Arrangement

Status
APPROVAL

Scale As Noted @ A1 Date March '22

Drawn By Daniel Cook Checked JHC Approved JHC

Dwg. No. P92469/100 Rev E

NOT FOR CONSTRUCTION