

Agenda Item	5.5
Report No	PLS-79-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 20 September 2022

Report Title: 22/03650/PAN: Intelligent Land Investments Group Plc
Land 150M East of Tigh Na Bradhan, Fasnakyle, Cannich IV4 7NB

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Battery Storage Facility up to 50MW comprising access track, compound of energy storage equipment, meter building, security cameras, fencing and landscaping.

Ward: 12 – Aird and Loch Ness

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 29 August 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.
- 1.4 Due to relaxations in COVID-19 restrictions, the prospective developer proposes to hold a face to face public event on Tuesday 27 September 2022 at 1500 – 1900hrs at Cannich Village Hall. Following a request from the Planning Authority, and in line with the COVID-19 Regulations, the prospective applicant has proposed an online public consultation event for 13 October 2022 at 1500 – 1900hrs.
- 1.5 The applicant advises that a dedicated webpage will be set up detailing the proposals in due course, the likely site address will be <https://meetings.ili-energy.com/fasnakyle-energy-storage-project/>. The webpage will provide opportunity for members of the public to comment on the proposal.
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with adverts to be placed within the Inverness Courier on 13 September 2022 or thereabouts, which is more than the statutory minimum of 7 days prior to the event. A letter drop to inform local residents of the development and consultation events will be undertaken by the applicant to households and businesses within a 2.5km radius from the PAN site boundary. The PAN form also advises that the Strathglass Community Council were notified on 15 August 2022, in line with statutory requirements.
- 1.7 The 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 developer's intention to submit a planning application classified as a major development. The proposal is for the development of a battery storage facility with a storage capacity of up to 50MW, and comprises the installation of battery storage containers, security cameras, and security compound perimeter fencing, along with the erection of a meter building, and formation of an of an access track. The proposal will also entail landscaping with additional tree planting.

- 2.2 Any substation connections via new overhead lines would be subject to a separate application made to the Scottish Government's Energy Consents Unit under Section 37 of the Electricity Act 1989. The determination process for an application made under Section 37 of the Act will require further consultation with The Highland Council.
- 2.3 The applicant has not yet carried out formal Pre-Application Consultation with the Council.

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary forms 6.75 ha comprising of woodland and open rough pasture at Fasnakyle within Strathglass, approximately 2.9km southwest of Cannich. The site is bound to the west by woodland, to the east by the River Glass, open fields to the south, and an unnamed public road to the north that connects the Tomich and Glen Affric (C1112) public roads and from which the site will likely be accessed.
- 3.2 The site adjoins the garden grounds of The Gate Lodge, Tigh Na Bradhan, and grounds of Fasnakyle Parish Church (unlisted) along its western boundary. Outwith the site, the Category A Listed Fasnakyle Power Station is 120m to its north, while the Category B Listed Fasnakyle Bridge adjoins the site's northeast corner.
- 3.3 Much of Fasnakyle Wood is nationally designated 'Ancient Woodland' of semi-natural origin including sections within the proposal site, with the east of the site also hosting nationally designated Long Established Woodland. No other natural heritage designations cover the application site however the Glen Affric to Strathconon Special Protection Area (SPA) is approximately 800m west of the site boundary at its closest point, the Strathglass Complex Special Area of Conservation (SAC) and the Glen Affric Site of Special Scientific Interest (SSSI) are a little over 1km southwest of the site's boundary.
- 3.5 The majority of the site is free from known flood risk, with the exception of land within the eastern and southern boundary that are identified by SEPA's flood risk mapping as being at risk of fluvial flooding from River Glass source in the 1 in 200, and 1 in 1000, years plus climate change scenarios. Additionally, the mapping identifies some pockets within the site as being at risk from pluvial flooding.

4.0 DEVELOPMENT PLAN

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

4.1 Highland Wide Local Development Plan (2012)

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 55 - Peat and Soils

56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other Important Species
60 - Other Important Habitats
61 - Landscape
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution
74 - Green Networks
77 - Public Access

4.2 **Inner Moray Firth Local Development Plan (IMFLDP) (2015)**

The site is not covered by any specific development allocation or safeguarding notation within the adopted Inner Moray Firth Local Development Plan.

4.3 **Inner Moray Firth Local Development Plan 2 (Proposed Plan)**

The Inner Moray Firth Local Development Plan is under review. The Proposed Inner Moray Firth Local Development Plan was published on 25 March 2022 for public consultation and now is a material consideration for determining planning applications. While there are no site-specific policies or allocations covering the application site within the proposed plan, the plan sets out a number of subject policies relevant to the assessment of the proposal, including Policy 1 for Low Carbon Development, and policies for Nature Protection, Preservation and Enhancement, as well as Green Space and Green Networks, for example.

4.4 **Highland Council Supplementary Guidance**

- Developer Contributions (Nov 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.4 **Scottish Government Policy and Guidance**

- Scottish Planning Policy (June 2014)
- National Planning Framework 3, NPF3 (June 2014) and consultive draft NPF4 (Nov 2021)
- Scotland's Energy Strategy Position Statement (Mar 2021)
- Scottish Energy Strategy (Dec 2017)
- 2020 Routemap for Renewable Energy (Jun 2011)

- Energy Efficient Scotland Route Map (May 2018)
- PAN 1/2013 – Environmental Impact Assessment (Aug 2013)
- PAN 1/2021 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 68 – Design Statements (Aug 2003)
- Historic Environment Policy for Scotland (Apr 2019)
- Highland Forest and Woodland Strategy (Nov 2018/2006)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and other planning policy
- b) Planning history;
- c) Operational noise impacts;
- d) Impact on trees
- e) Design, landscape and visual impact (including cumulative impacts);
- f) Roads and transport;
- g) Natural heritage including protected species, ornithology and designated sites;
- h) Built and cultural heritage;
- i) Soils and peat;
- j) Economic impact and tourism;
- k) Outdoor access and recreation;
- l) Construction impacts;
- m) Pollution;
- n) Decommissioning;
- o) Any Other Material Considerations 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.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Mark Fitzpatrick / Sile Tang

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

Relevant Plans: Plan 1 – Proposal of Application Notice
 Plan 2 – Location Plan

PROPOSAL OF APPLICATION NOTICE MOLADH BRATH IARRTAIS

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.

Applicant: Intelligent Land Investments Group Plc Address: 33 Bothwell Road, Hamilton ML3 0AS Phone: 01698 891 352 E-mail: ah@ili-energy.com	Agent: LoganPM Ltd Address: Inverlair Farm, Roy Bridge PH31 4AR Phone 07917845154 E-mail: admin@loganpm.co.uk
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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

Land approximately 200 metres south of Fasnakyle Power Station, Cannich IV4 7NB

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.

Battery Storage Facility up to 50MW (Major Application): access track, compound of energy storage equipment, meter building, security cameras, fencing, new planting of trees

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	Date Notice Served
Strathglass Community Council (strathglasscc@gmail.com)	15 Aug 2022, and updated form with online event sent 29 Aug 2022
Names/details of any other parties	Date Notice Served

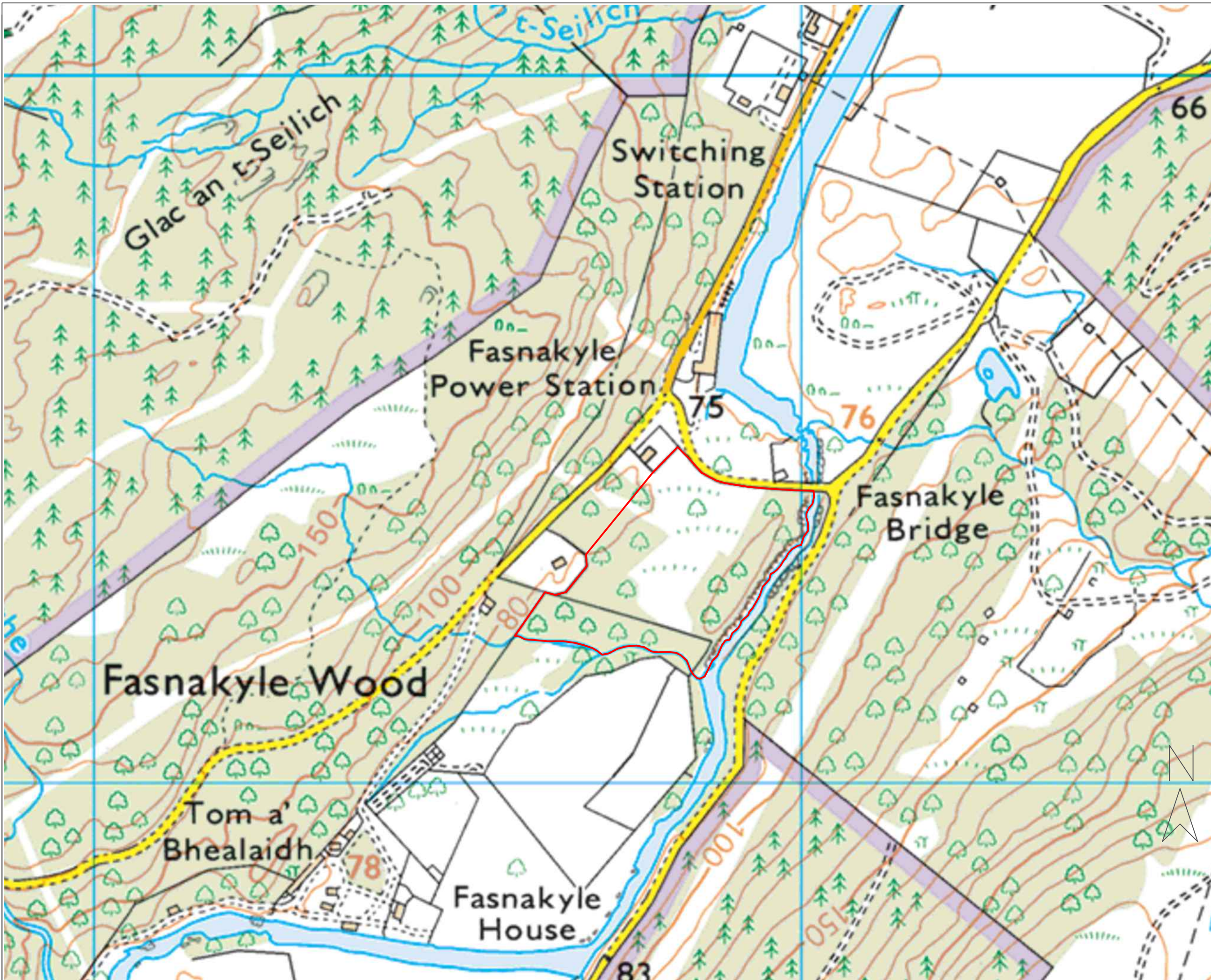
Please give details of proposed consultation

Proposed public event	Venue	Date and time
Public exhibition	Cannich Village Hall,	27 th Sep 2022 3-7pm
or other venue, date and time as agreed with Council		
Online event, 13 Oct 2022, 3-7pm or other date and time as agreed with Council		
Newspaper Advert – name of newspaper	Advert date(where known)	
Inverness Courier (for both events)	around 13 Sep 2022 or other date agreed	

Details of any other consultation methods (date, time and with whom)
Households and businesses within 2.5km of proposed compound to be written to with information about the project, project website and the event.

Project website to be established, likely to be at
<https://meetings.ili-energy.com/fasnakyle-energy-storage-project/>

Signed Date.....29 Aug 2022.....



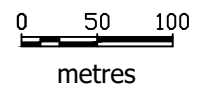
Fasnakyle Energy Storage

 Site Location

Land south of Fasnakyle Power Station, Cannich IV4 7NB

Note project will not occupy all of the area shown and is expected to focus on the open area and also include new landscaping and planting of trees.

Scale 1:5000 at A3



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 Energy Project Management

Project Location

Drawing number
 J321/041/26072022

Status