

Agenda Item	5.1
Report No	PLN/028/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: **19 April 2023**

Report Title: 23/00933/PAN: Potencia Energy Limited
Land 170M SE of Mybster Croft, Spittal

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: 47MWh capacity battery energy storage facility consisting of containerised battery storage units and related inverters, transformers and switch room, along with proposed site access from the A9, landscaping, fencing and other required infrastructure.

Ward: 03 – Wick and East Caithness

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 20 February 2023. 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)
 - Site Layout Plan
- 1.4 The developer proposes to undertake two in-person public consultation events, the first to take place on 6 April 2023 at Spittal Community Hall, Spittal, KW1 5XR between 15:00 and 19:00hrs. The second public consultation event is scheduled to take place on 27 April 2023 at Spittal Community Hall, Spittal, KW1 5XR between 15:00 and 19:00hrs.
- 1.5 In addition to the two in-person public consultation events, the applicant also proposed to undertake an online public exhibition between 6 April 2023 and 27 April 2023. This online exhibition will be accessible through the applicant's website: www.potenciaenergy.com/mybster_pan/
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with adverts to be placed within the John O'Groats Journal. An advert for the first public consultation event was published in the John O'Groats Journal on 24 March 2023. The second advert was published in the John O'Groats Journal on 14 April 2023.
- 1.7 Details of all notified parties are contained / appended to the PAN form and include Halkirk Community Council and Bower Community Council. Ward Councillors, the MSP and the MP have also been notified.
- 1.8 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 This PAN provides notice of the developer's intention to submit a planning application for a scheme which is classified as a National Development. The prospective development comprises the erection and operation of a 47MWh capacity battery energy storage facility, comprising of containerised battery storage units and related inverters, transformers and switch room, along with proposed site access from the A9, landscaping, fencing and other required infrastructure.

2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service in 2022 for the erection of a 19.9MW energy Storage facility (HC ref. 22/04161/PREAPP).

3.0 SITE DESCRIPTION

3.1 The PAN boundary comprises approximately 2.37ha of land immediately to the east of the A9, approximately 500m south of Mybster Inn Farm and approximately 18km south of Thurso. Numerous windfarms are located within close proximity to the proposed development site, such as Bad a Cheo Wind Farm approximately 1.4km to the south; Achlachan Wind Farm approximately 1.5km west; and Halsary Wind Farm approximately 1.5km south east. The site will be accessed from the A9 as the road directly borders the site boundary. The site demonstrates severely constrained expanses in terms of topography, soil quality and tree coverage. The current soil quality is a Class 5.3 across the entire site and surrounding areas, meaning the land is capable for grassland use and pasture deteriorates quickly.

3.2 The site is not located within any Special Landscape Area, Special Area of Conservation, Special Protection Area, or Site of Special Scientific Interest. A large proportion of the site is covered in Moss and grassland. The south-western corner of the site facilitates a pond which causes a small river to run along the western boundary from the south west up to the north west area of the site. This river runs parallel to the A9. Other main constraints of the site include but are not limited to, public rights of way, flooding risks, and site access.

3.3 Planning history of the site includes

14.09.2022	22/04161/PREAPP – Development of a 19.9MW energy storage facility	Response Issued
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4.0 DEVELOPMENT PLAN

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

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

- 28 - Sustainable Design
- 29 - Design Quality and Placemaking
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built and 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
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 74 - Green Networks
- 77 - Public Access

4.2 **Caithness and Sutherland Local Development Plan (CaSPlan)**

No site specific policies or allocations, application will be assessed against the general policies of the HwLDP.

4.3 **Highland Council Supplementary Guidance**

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Managing Waste in New Developments (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 Other Guidance**

- National Planning Framework 4 (Feb 2023)
- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 56 - Planning and Noise
- PAN 58 - Environmental Impact Assessment
- PAN 60 - Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Scottish Government Energy Efficient Scotland Route Map (May 2018)

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Community amenity including operational noise impacts;
- c) Construction impacts;
- d) Roads and transport;
- e) Flood risk and drainage impacts;
- f) Impact on trees and woodland;
- g) Design, landscape, and visual impact (including cumulative impacts);
- h) Natural heritage including protected species and habitats;
- i) Built and cultural heritage;

- j) Economic impact and tourism;
- k) Construction impacts;
- l) Pollution;
- m) Decommissioning and restoration;
- n) Outdoor access; and,
- 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.

Designation: Area Planning Manager – North
Author(s): Harry Goacher / Peter Wheelan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)
Plan 2 – Site Layout Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019

Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021

The Council will respond within 21 days of validation 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.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council

Contact Details

Applicant	Potencia Energy Limited	Agent	Miss. Monica Loughran McInally Associates
Address	216 West George Street Glasgow G2 2PQ,	Address	16 Robertson Street Glasgow G2 8DS
Phone	N/A	Phone	0141 332 5181
Email	N/A	Email	monicaloughran@mcinally-associates.co.uk

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 immediately to the east of the A9, approximately 500m south of Mybster Inn Farm, 18km to the south of Thurso, KW1 5XU.

Description of Development

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m² 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.

Planning Application seeking detailed planning permission for the development of a 47MWH capacity battery energy storage facility consisting of containerized battery storage units and related inverters, transformers and switch room, along with proposed site access from the A9, landscaping, fencing and other required infrastructure.

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?

Yes

No

If yes, please provide a copy of this Opinion.

Community Consultation

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

Community Council/s

Please see attached list.

Date Notice Served

20th February 2023

Local Elected Members

Please see attached list.

Date Notice Served

20th February 2023

Members of Scottish Parliament and Members of Parliament

Please see attached list.

Date Notice Served

20th February 2023

Names / details of other parties

Please see attached list.

Date Notice Served

20th February 2023

Details of Proposed Consultation

Proposed Public Event 1

Venue

Spittal Community
Spittal
KW1 5XR

Date and Time

Thursday 6th April (between
3pm and 7pm)

Proposed Public Event 2

Venue

(at least 14 days after Public
Event 1)

Spittal Community Hall
Spittal
KW1 5XR

Date and Time

Thursday 27th April 2023
(between 3pm and 7pm)

Publication of Event

Newspaper Advert

Name of Newspaper

Advert Date

John O'Groats Journal

Friday 24th March 2023

John O'Groats Journal

Friday 14th April 2023

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

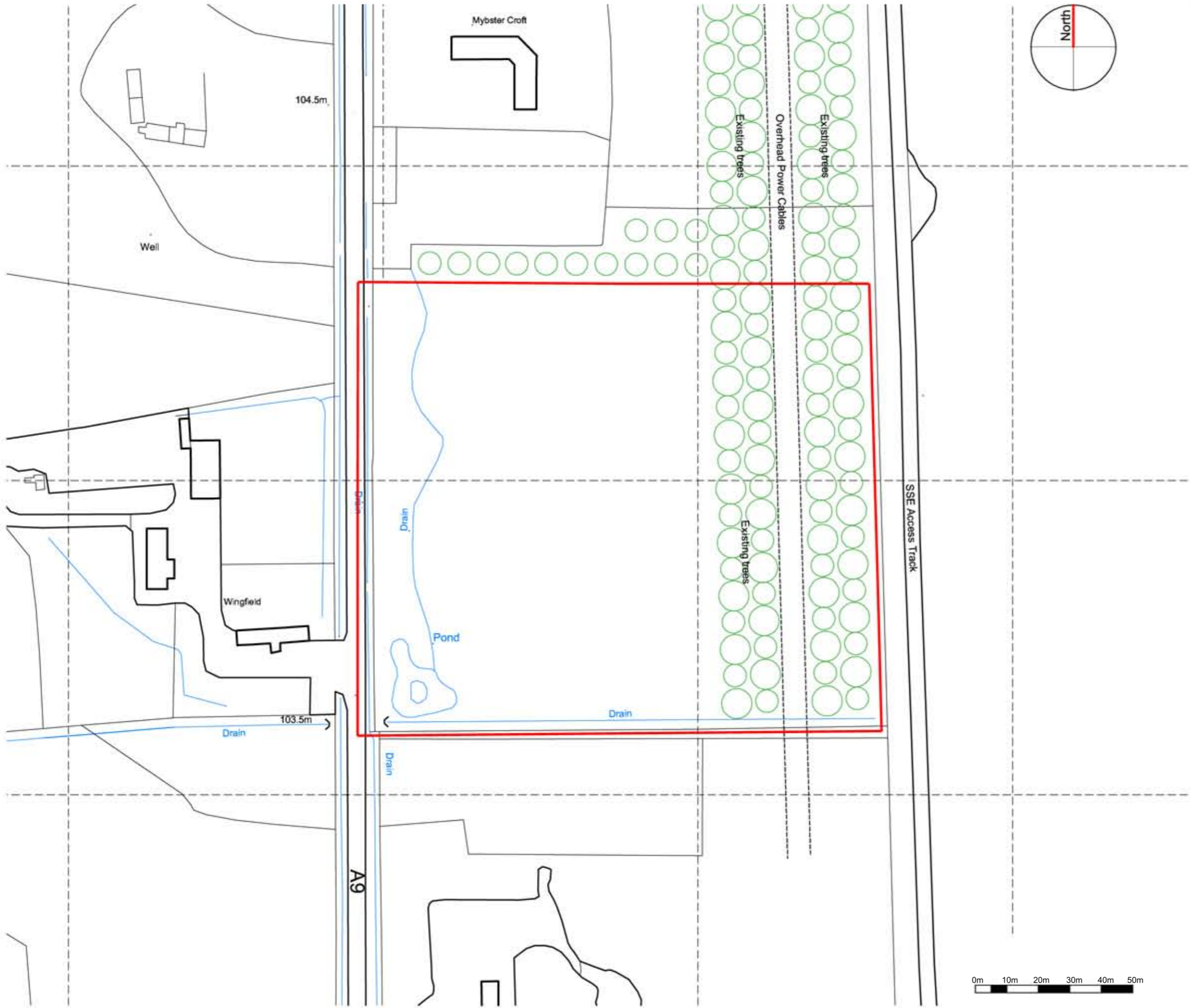
In addition to the consultation above, we propose undertaking an online public exhibition (between 6th April and 27th April 2023) accessible via the following website: www.potenciaenergy.com/mybster_pan/

The webpage will contain functions to leave comments on the proposals and also ask questions on the proposals. Any questions received will be responded to within 48 hours of receipt (during office hours).

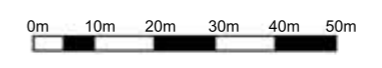
The applicant is proposing to host a MS Teams call with the local community councils to obtain their views on the proposal. They are proposing to contact the community councils following the submission of this PAN to obtain an appropriate date.

Signed **Monica Loughran**

Date **20th February 2023**



Proposed Battery Storage Facility, Mybster
 Potentia Energy Ltd



Site Location 1:1,250

Site Location Plan
 9908(PL)230212-04 Scale As Shown@A3