

Agenda Item	5.1
Report No	PLN/039/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 04.06.2024
Report Title: 24/01076/PAN: Fig Power LTD
Caithness Flagstone Limited
Spittal Mains Quarry
Spittal
Wick

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Proposed development of a 49.9MW Battery Energy Storage System (BESS) at Spittal, Caithness

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. BACKGROUND

- 1.1 This report informs the North 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 13 March 2024. 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 Location Plan
- 1.4 There have been two in-person consultation events, the first took place on Wednesday 3 April 2024 between 1600-1900 hours at Spittal Village Hall, and the second on Thursday 18 April 2024 between 1600-1900 hours at Spittal Village Hall. Both events were advertised in The Caithness Courier at least 7 days prior to each event.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Halkirk and Watten Community Councils, as well as local Members and Councillors.
- 1.6 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. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal is for the development of a Battery Energy Storage System with a capacity of 49.9MW likely consisting of elements such as battery storage containers, electrical control buildings, transformers, security fencing, CCTV, access, landscaping and associated works.
- 2.2 The developer has sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments (24/01012/PREMAJ).

3. SITE DESCRIPTION

- 3.1 The proposed site is situated on the eastern side of the A9 road at Spittal. The development will be sited on land within the disused quarry at the Spittal Mains Quarry. There is an existing access and car park from the A9, and the entrance is bounded by a stone wall, which will serve the proposed development. The site currently contains a number of buildings which are located along the boundary with the main road. The closest existing residential properties are located to the south of the site. There are no designated core paths within the site boundary.

- 3.2 There are no statutory natural heritage designations within the site boundary. The nearest is the Site of Special Scientific Interest (SSSI) at Spittal Quarry which is located to the south-east of the site and is designated for its Geological/Palaeontological features. There are further geological SSSI sites at Achanarras Quarry approx. 1.5km to the west and Banniskirk Quarry approx. 2km to the north-east.
- 3.3 There are no national or local landscape designations within the application site boundary. The closest Special Landscape Area (SLA) is The Flow Country and Berriedale Coast SLA which is located approx. 8km to the south-west of the site.
- 3.4 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The nearest heritage feature is the Scheduled Monument of Fairy Hillock (SM528) which is a chambered cairn and is located on land to the south-west of the site and on the opposite side of the A9 road. In addition, there are the Scheduled Monuments of St Magnus' Church, burial ground and hospital (SM5413) to the north-west and a broch (SM582) to the south-east.

4. PLANNING HISTORY

4.1	11.06.2021	21/01948/PAN Cryobattery storage facility with capacity up to 49.9 MW	CASE CLOSED
4.2	07.05.2021	21/01950/SCRE Cryobattery storage facility with capacity up to 49.9 MW	DECISION ISSUED
4.3	19.10.2021	21/04369/SCOP Cryobattery energy storage scheme	DECISION ISSUED
4.4	29.02.2024	24/00243/SCOP Ayre Offshore Wind Farm - onshore infrastructure including substation, inter-array cables, export cables and associated infrastructure	DECISION ISSUED

5. DEVELOPMENT PLAN POLICY

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

5.1 National Planning Framework 4 (2023)

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 5 – Soils
- 11 – Energy
- 13 – Sustainable transport
- 14 – Design, quality and place

- 23 – Health and safety
- 25 – Community wealth building
- 33 – Minerals

Strategic Renewable Electricity Generation and Transmission Infrastructure supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply. This applies across Scotland and is identified as one of 18 National Developments.

5.2 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality and Placemaking
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 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
- 67 - Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution

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

No site-specific policies or allocations, any future application will be assessed against general NPF4 and HwLDP policies.

5.4 **Highland Council Supplementary Planning Policy 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 and Planning Guidelines (May 2006)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)

5.5 **Scottish Government Policy and Other Guidance**

Draft Energy Strategy and Just Transition Plan (2023)
Scottish Energy Strategy (Dec 2017)
2020 Routemap for Renewable Energy (2011)
Energy Efficient Scotland Route Map (Scottish Government, 2018)
Historic Environment Policy for Scotland (HEPS, 2019)
Historic Environment Policy for Scotland (HES, 2019)
PAN 1/2011 - Planning and Noise (2011)
PAN 60 - Planning for Natural Heritage (2008)
Circular 1/2017: Environmental Impact Assessment Regulations (2017)
'Developing with Nature' Guidance (NatureScot, 2022)

6. POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- 6.1 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) Design, landscape, and visual impact (including cumulative impacts);
g) Natural heritage including protected species and habitats;
h) Built and cultural heritage;
i) Economic impact and tourism;
j) Pollution;
k) Decommissioning and restoration;
l) Outdoor access; and,
m) Any other material considerations raised within representations.

7. CONCLUSION

- 7.1 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.

8. IMPLICATIONS

- 8.1 None applicable.

9. RECOMMENDATION

- 9.1 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: Dafydd Jones

Designation: Area Planning Manager - North

Author: Craig Simms

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

Relevant Plans:

Plan 1 – Proposal of Application Notice

Plan 2 – Location 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.

Data Protection

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

I have read and understood the privacy notice.

Contact Details

Applicant	Fig Power Ltd	Agent	Connor McKinley Mabbett & Associates Ltd
Address	c/o Agent	Address	Willow House Stoneyfield Business Park INVERNESS IV2 7PA
Phone		Phone	01463-237229
Email		Email	cmckinley@mabbett.eu

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.

Spittal, Caithness

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.

Proposed development of a 49.9MW Battery Energy Storage System (BESS) at Spittal, Caithness.

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.

Yes

No

Community Consultation

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

Community Council/s**Date Notice Served**

Halkirk CC

13 March 2024

Watten CC

13 March 2024

Local Elected Members**Date Notice Served**

Cllr Raymond Bremner

13 March 2024

Cllr Andrew Jarvie

13 March 2024

Cllr Willie MacKay

13 March 2024

Cllr Jan McEwan

13 March 2024

Members of Scottish Parliament and Members of Parliament**Date Notice Served****Names / details of other parties****Date Notice Served**

Mr Mark Mancini, Orcadia Group Ltd,
3 Clairmont Gardens, Glasgow G37 LW
(Landowner)

13 March 2024

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
Wednesday 3 April 2024	Spittal Village Hall	3 April 2024 16.00-19.00 hrs
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
	Spittal Village Hall	18 April 2024 16.00-19.00 hrs

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Public Notice	Caithness Courier	27 March 2024 and 10 April 2024
Details of any other consultation methods (date, time and with whom)		

Signed	<i>Connor McKinley, Mabbett & Associates Ltd</i>	Date	13 March 2024
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KEY PLAN



NOTES

Any equipment shown is indicative of dimensions and general appearance and may be subject to minor amendments by the manufacturer or supplier

LEGEND

— Red Line Boundary

REVISIONS

INITIAL VERSION						
PO1	ss	11/03/24	XX	XX	XX	XX

REVISION NOTES/COMMENTS						
REV	DRAWN BY	DATE	CHECKED BY	DATE	APPROVED BY	DATE

fig power
firm, flexible energy

Friths Reach
Quarbridge
Leeds
Leeds, England
LS1 8BX
enquiry@figpower.co.uk

CLIENT

PROJECT
SPITTAL - 49.9 MW

TITLE
REDLINE BOUNDARY

HYDROCK PROJECT NO. 000014	SCALE @ A1 1:2500	PAGE NO. X:XXX
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STATUS DESCRIPTION
FOR INFORMATION

STATUS S2	REVISION P01
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