

Agenda Item	5.2
Report No	PLS-42-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 20 August 2024
Report Title: 24/02632/PAN: Field Beauty Ltd
Land 465m SE of Dunballoch, Beauty
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Battery energy storage (up to 100MW)
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 14 June 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)
 - Location / Site Layout Plan.
- 1.4 In October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. This changed some of the consultation activities required by the applicant for PANs submitted after 1 October 2022. The previous arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. In line with the current regulations, the developer proposes to undertake two in person public consultation events, scheduled as follows:
- **Event 1:** At Kirkhill Community Centre, St Mary's Rd, Kirkhill, Inverness IV5 7NX, on Tuesday 28 May 2024, between 2-7pm.
 - **Event 2:** At Phipps Hall, Station Road, Beauly, IV4 7EH, on Wednesday, 21 August 2024, between 2-7pm.
- 1.5 The consultation was publicised and advertised in accordance with the appropriate statutory requirements, with an advert placed within The Inverness Courier, no less than seven days prior to the event taking place. Comment cards will be made available to members of the public or interested stakeholders/third parties to provide comments to the applicant and the development team. Prior to the second consultation event occurring, any consequential changes to the proposed development will be reflected in Event 2. The proposed development is located within the Aird and Loch Ness (Ward 12). As part of the PAC process, and prior to the public events taking place, the applicant will directly engage with the ward members. Each elected member will receive notification of the dates for the public events, alongside an invitation to attend. Letters were sent prior to the consultation event taking place inviting local residents to attend. The catchment for its wider distribution covered a minimum radius of 2km from the proposed site extending up to 5km to incorporate the nearby village of Garve.
- 1.6 The Proposal of Application Notice has also been served on the host Kiltarity Community Council along with neighbouring Kirkhill and Bunchrew Community Council, Kilmorack Community Council and Beauly Community Council. Local Ward 12 (Aird and Loch Ness) Elected Members, MSP's and MP have also been served notice.

- 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 proposed scheme is a battery energy storage complex, with a maximum installed capacity of up to 100MW and associated electrical equipment. The development will involve the construction of new infrastructure, access, drainage, landscaping, ancillary works and biodiversity enhancements.
- 2.2 The developer has sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments (24/01319/PREMAJ) with the proposed development to be discussed at the meeting on 11 September 2024.
- 2.3 The developer is encouraged to submit an EIA screening request in respect of the proposals.

3.0 SITE DESCRIPTION

- 3.1 The PAN site boundary covers 18.48ha approximately 1.4km to the South of Beaully. The open fields slope towards the River Beaully with 2 overhead lines passing through the middle of the site on their route to Beaully substation. The site is surrounded by designated Long Established Woodland to the East, open land to the Northwest and River Beaully to the Southwest with the A862 Trunk Road to the east. The area North of the site adjacent to the A862 is covered by a Tree Preservation Order (TPO).
- 3.2 There are no national or local landscape designations within the application site boundary. The nearest natural heritage designations are on and around the River Beaully approximately 800m to the North of the site including the Inner Moray Firth Special Protection Area (SPA) and Beaully Firth Site of Special Scientific Interest (SSSI).
- 3.3 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within 100m buffer to the Site. There are 3 Scheduled Monuments within 2km of the site which include.
- Corff House, Fort approximately 650m to the Northwest of the site.
 - Dun Mor, fort, Ballindoun approximately 1.4km to the Southeast of the site.
 - Phoinias Hill, enclosure 900m East/Southeast of Phoinias House and about 1.6km to the Southeast of the site.

There are approximately 25 listed buildings within 2km of the site. The nearest is the Category B Listed Dunballoch about 40m to the North of the site. The furthest away is Category A Listed Beaufort Castle approximately 2km to the Southwest of the site. According to SEPA's flood risk mapping, the Northwestern portion of the site boundary is within an area of fluvial flood risk.

3.4 According to SEPA's flood risk mapping, the Northwestern portion of the site boundary is within an area of fluvial flood risk.

4.0 DEVELOPMENT PLAN

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

4.1 National Planning Framework (NPF) 4 (2023)

Policy 1 – Tackling the climate and nature crisis

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 7 – Historic assets and places

Policy 11 – Energy

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

Policy 25 - Community Wealth Building

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

28 - Sustainable Design

29 - Design Quality and Placemaking

30 - Physical Constraints

31 - Developer Contributions

36 - Development in the Wider Countryside

51 - Trees and Development

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

74 - Green Networks

77 - Public Access

4.3 Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024)

This is the second iteration of the Inner Moray Firth Local Development Plan (IMFLDP2) which along with the Highland-wide Local Development plan (HwLDP), Supplementary Guidance and National Planning Framework 4 (NPF4), form the statutory Development Plan that guides future development across the Inner Moray Firth area. The plan's focus is again on identifying specific site allocations, however, it includes several overarching "general policies" that apply to all developments including

for Low Carbon Development, Nature Protection, Preservation and Enhancement. Some of the policies related to this development are the following:

Policy - 1 Low and Zero Carbon Development

Policy - 2 Nature Protection, Restoration and Enhancement

Policy - 5 Green Networks

Policy - 14 Transport

4.4 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)

4.5 Scottish Government Policy and Other Guidance

- Scottish Planning Policy and Guidance
- Scottish Planning Policy
- National Planning Framework 3 (June 2014)
- Revised Draft National Planning Framework 4 (Nov 2022)
- 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) Water environment, flood risk and drainage;

- 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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Ikram Ullah
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)
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	Field Beaully Ltd	Agent	Ben Parkins (On behalf of TNEI Services Ltd)
Address	Fora, Montacute Yards, Shoreditch High Street, London, E1 6HU	Address	7th floor, West One, Forth Banks, Newcastle upon Tyne NE1 3PA
Phone	c/o Agent	Phone	0161 233 4802
Email	c/o Agent	Email	ben.parkins@tneigroup.com

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 at Dunballoch Farm, approximately 850 m to the south of the town of Beaully, IV4 7AY.

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.

Construction and operation of a Battery Energy Storage System along with associated infrastructure and ancillary works, earthworks, access, drainage, landscaping, and biodiversity enhancements.

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**

- Kiltarlity Community Council
- Kirkhill and Bunchrew Community Council
- Kilmorack Community Council
- Beaully Community Council

23rd May 2024

Local Elected Members**Date Notice Served**

- Cllr Raymond Bremner - Leader of the Council
- Cllr Ken Gowans - Chair, Economy and Infrastructure Committee
- Cllr Karl Rosie - Chair, Climate Change Committee
- Cllr Chris Ballance - Site Ward Councillor (Aird and Loch Ness Ward)
- Cllr Helen Crawford - Site Ward Councillor (Aird and Loch Ness Ward)
- Cllr David Fraser - Site Ward Councillor (Aird and Loch Ness Ward)
- Cllr Emma Knox - Site Ward Councillor (Aird and Loch Ness Ward)

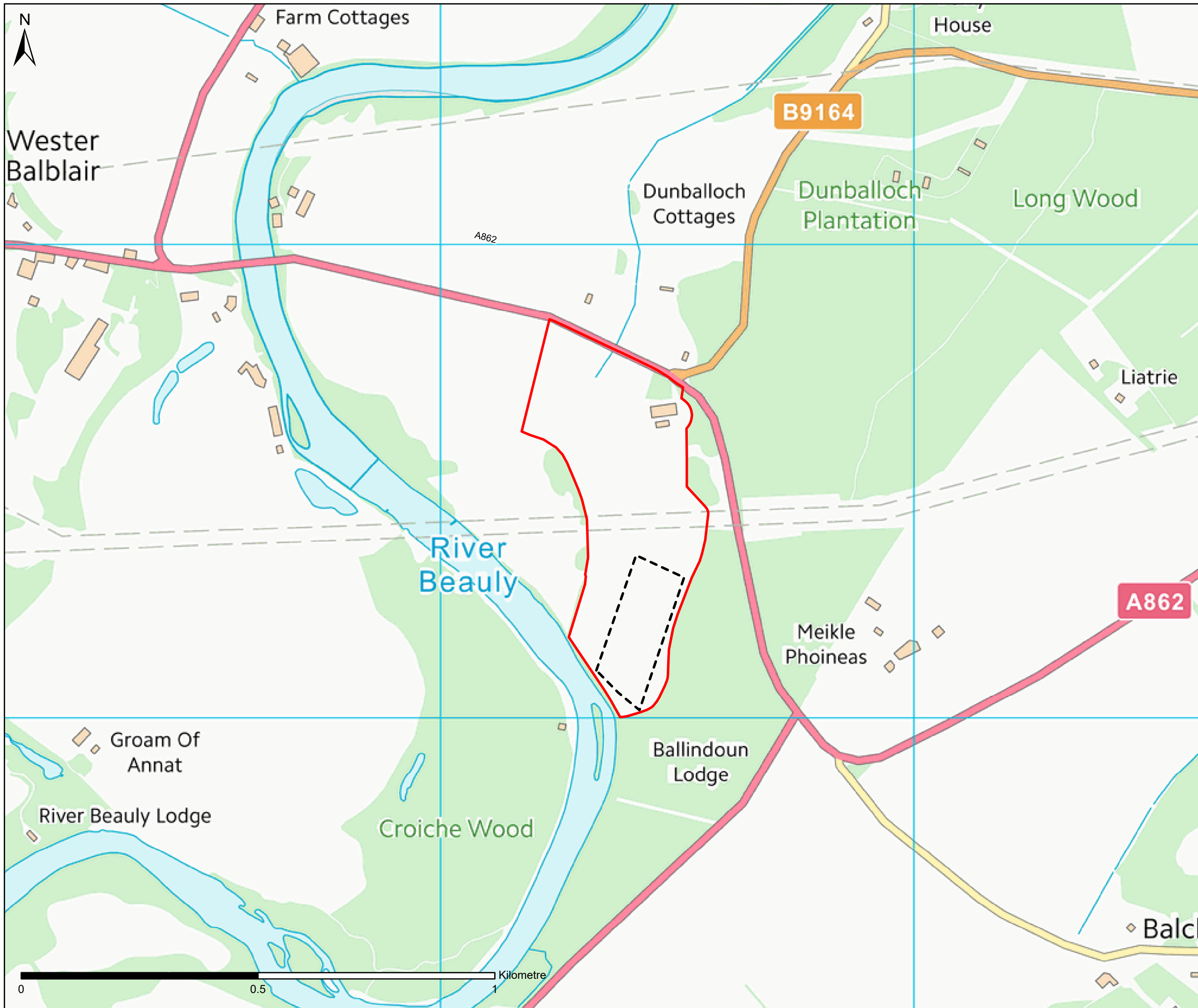
23rd May 2024

Members of Scottish Parliament and Members of Parliament	Date Notice Served
<ul style="list-style-type: none"> • Drew Hendry - Site MP (Inverness, Nairn, Badenoch and Strathspey) • Kate Forbes - Site MSP (Skye, Lochaber and Badenoch) • Fergus Ewing - Neighbouring MSP (Inverness and Nairn) • Douglas Ross - Regional List MSP (Highlands and Islands) • Edward Mountain - Regional List MSP (Highlands and Islands) • Rhoda Grant - Regional List MSP (Highlands and Islands) • Tim Eagle Regional List MSP (Highlands and Islands) • Ariane Burgess - Regional List MSP (Highlands and Islands) • Jamie Halcro Johnston - Regional List MSP (Highlands and Islands) • Emma Roddick Regional List MSP (Highlands and Islands) 	23 rd May 2024
Names / details of other parties	Date Notice Served

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
Event 1	Kirkhill Community Centre, St Mary's Rd, Kirkhill, Inverness IV5 7NX	Tuesday, 28 th May 2024 from 2 PM to 7 PM
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
Event 2	Phipps Hall, Station Road, Beauly, IV4 7EH	Wednesday, 21 st August 2024 from 2 PM to 7 PM

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Event 1	The Inverness Courier	Tuesday 21 st May
Event 2	The Inverness Courier	Thursday 8 th August
Details of any other consultation methods (date, time and with whom)		
Field Beauly Website - https://www.fieldbeau.ly.co.uk/ Consultation brochure drop to all properties within a minimum of 2 km of the site, extended to include the majority of Kirkhill and Beauly population centres.		

Signed	Ben Parkins on behalf of TNEI Services Ltd	Date	14/06/2024
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LEGEND

- Site Boundary
- Preferred BESS Location Within Site Boundary

Note: Area of Site Boundary is 18.51 hectares

Rev.	Date	Amendment Details	Drawn	Approved
1	12/06/2024	REVISED RED LINE BOUNDARY	JCM	BP
0	24/05/2024	FOR INFORMATION	ST	BP

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Client: **FIELD**

Drawing Status: FOR INFORMATION

Project Title: BEAULY BESS

Drawing Title: SITE LOCATION PLAN

Scale: 1:7,500	Original Size: A3	Spatial Reference: British National Grid
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Drawing Number: 16621-003