

Agenda Item	5.3
Report No	PLS-43-24

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 20 August 2024  
**Report Title:** 24/02747/PAN: Jose Manuel Fernandez  
Land 330M East of Grigorhill Cottage, Grigorhill, Nairn  
**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Installation of battery energy storage system (BESS) (up to 49.9MW)  
**Ward:** 18 – Nairn and Cawdor

### 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 South Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN) for the installation of Battery Storage Energy Storage System (BESS) (up to 49.9MW) to Land 330M East Of Grigorhill Cottage, Grigorhill, Nairn.
- 1.2 The submission of the PAN accords with the provisions of The Town and Country Planning (Development Management Procedure) Regulations 2006 and was made valid on 19 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 that this notice may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Plan 1 – Proposal of Application Notice (Application Form)
  - Plan 2 – Location Plan
- 1.4 There will be two in-person consultation events, both taking place at Dunbar Hall. The first one took place on 11 July 2024 between 2:00pm to 6:00pm and the second will be taking place on 16 September 2024 between 2:00pm to 6:00pm. The first event was advertised on 21 June 2024 in the Inverness Courier, which conforms with the statutory minimum of 7 days prior to the event. The advert for the second event will be published on the 6 September 2024.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Auldearn Community Council, as well as local Members and a Member of the Scottish Parliament. The applicant has written to all residents within 2km of the proposed development site, however, as per Highland Council's website, invites are to be sent to all properties within 2.5km of the site. The applicant has been informed and has confirmed these changes for the second public consultation. In addition, a project website has been created and will be made live on/before the newspaper advert for the first public event. The project website will be updated throughout the progress of the project.
- 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 comprises of a Battery Energy Storage System (BESS) with associated landscaping and infrastructure to connect to Nairn Substation with capacity up to 49.9MW. The battery storage units are of a similar in size to shipping containers (maximum height 4.4m). The development would be surrounded by an acoustic fence.
- 2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in April 2024 for the development previously stated (24/00011/PREMAJ).

### **3. SITE DESCRIPTION**

- 3.1 The PAN site boundary covers approximately 2.6 hectares, 1km southwest of Auldearn and 3km southeast of Nairn. The site itself is currently an agricultural field, situated south of the B9101 and lies 1.5km southeast of the Nairn substation. The site is adjacent to areas of woodland, including areas identified on the Ancient Woodland Inventory and/or the Native Woodland Survey of Scotland. These are Native Pinewood on the southeast and Upland Birchwood on the east side of the site.
- 3.2 The proposed development site is approximately 3km south of the Moray and Nairn Coast Special Protection Area (SPA) protected for a range of wintering birds and breeding ospreys.
- 3.3 The application site falls within the Battle of Auldearn (BTL3) – Historic Battlefield Areas designation. There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within 100m buffer of the site. The nearest Listed Building is C-listed building – Grigorhill, approximately 250m from the west site of the site. Furthermore, the nearest Scheduled Monument Dooket Hill, motte and doocot, Auldearn (SM9293) is roughly 1km northeast of the site.
- 3.3 According to SEPA's flood risk mapping, the site lies out with any indicted areas of fluvial or coastal flooding during a 1 in 200 year plus climate change return period storm event.

### **4. DEVELOPMENT PLAN**

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

#### **4.1 National Planning Framework 4 (NPF4) (2023)**

Policy 1 – Tackling the climate and nature crises  
Policy 3 – Biodiversity  
Policy 5 – Soils  
Policy 6 – Forestry, woodland, and trees  
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  
Policy 29 – Rural Development

#### **4.2 Highland Wide Local Development Plan (2012)**

28 – Sustainable Design  
29 – Design Quality and Place-making  
30 – Physical Constraints  
31 – Developer Constraints  
36 – Development in the Wider Countryside  
51 – Trees and Development  
55 – Peat and Soils  
56 – Travel

57 – Natural, Built and Cultural Heritage  
58 – Protected Species  
59 – Other important Species  
60 – Other Importance Habitats  
61 – Landscape  
63 – Water Environment  
64 – Flood Risk  
66 – Surface Water Drainage  
67 – Renewable Energy Developments  
72 – Pollution  
74 – Green Networks  
77 – Public Access

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

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 Planning Policy Guidance**

Biodiversity Enhancement Planning Guidance (May 2024)  
Developer Contributions (Mar 2018)  
Flood Risk and Drainage Impact Assessment (Jan 2013)  
Green Networks (Jan 2013)  
Highland Historic Environment Strategy (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)  
Standards for Archaeological Work (Mar 2012)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

### **5.0 OTHER MATERIAL POLICY CONSIDERATIONS**

#### **5.1 Scottish Government Planning Policy and 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)  
PAN 1/2011 – Planning and Noise (2011)  
PAN 60 – Planning for Natural Heritage (2008)

#### **5.2 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;
- h) Natural heritage including protected species and habitats;
- i) Built and cultural heritage;
- j) Construction impacts;
- k) Pollution;
- l) Cumulative impacts;
- 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 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 Manger – South  
Author: Megan Smith  
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](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	OPDE UK Limited	Agent	Jose Manuel Fernandez
Address	12 Hammersmith Grove, London, United Kingdom	Address	12 Hammersmith Grove, London, United Kingdom
Phone		Phone	+34 696697528
Email	planning@opdenenergy.com	Email	planning@opdenenergy.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 1km south-west of Auldearn, to the south of the B9101, nearest post code: IV12 5RL

**Description of Development**

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m<sup>2</sup> 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.

The proposed development comprises a Battery Energy Storage System (BESS) with landscaping and all the necessary associated infrastructure to connect to Nairn Substation with capacity up to 49.9MW. The battery storage units are similar in size to shipping containers

**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.

<b>Community Council/s</b>	<b>Date Notice Served</b>
Auldearn	14th June 2024
<b>Local Elected Members</b>	<b>Date Notice Served</b>
Laurie Fraser Michael Green Barbara Jarvie Paul Oldham	14th June 2024
<b>Members of Scottish Parliament and Members of Parliament</b>	<b>Date Notice Served</b>
<b>Names / details of other parties</b>	<b>Date Notice Served</b>

<b>Details of Proposed Consultation</b>		
<b>Proposed Public Event 1</b>	<b>Venue</b>	<b>Date and Time</b>
Dunbar Hall	Auldearn, Nairn IV12 5TG,	11 <sup>th</sup> July 2024
<b>Proposed Public Event 2</b> <i>(at least 14 days after Public Event 1)</i>	<b>Venue</b>	<b>Date and Time</b>
Dunbar Hall	Auldearn, Nairn IV12 5TG	18 <sup>th</sup> September 2024

<b>Publication of Event</b>		
<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
Notice Board, Public notice	The Inverness Courier	21 <sup>st</sup> June 2024

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

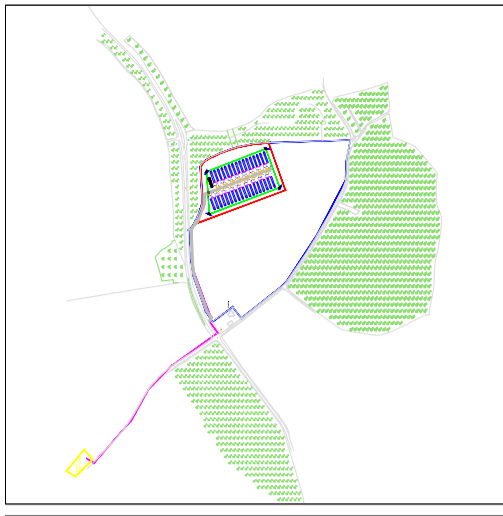
This public consultation will take the form of two in person public exhibitions. The events shall further be advertised by means of a letter drop/ leaflet being issued to any residential and commercial properties within an approximate 2km distance of the application site, to capture the small number of individual properties that are located within the surroundings of the application site.

Feedback from the events will be collected by post or email which attendees will be invited to complete and sent to us up to 14 days after each event

In addition to the public consultation events, it is proposed that details of the proposal are made available via a publicly accessible website. The website will have a dedicated consultation page which will have a facility for the submission of comments

Signed		Date	<b>19<sup>th</sup> June 2024</b>
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LEGEND	
	Underground 33 kV cable
	Security Fence
	Road
	Battery + Inverter
	Site Access
	CCTV

PROJECT SITE	
Coordinates	57.566036, -3.823936
Location	Park Farm, Nairn, IV12 5RZ
VERSION	
3.0	
2.0	
1.0	PRELIMINAR LAYOUT
V	Description

DESIGN	REVIEWED	APPROVED	DATE

PROJECT: **Newton Of Park BESS** SCALE: **1:1000**

