

Agenda Item	5.1
Report No	PLN/067/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 17 September 2024  
**Report Title:** 24/03237/PAN: OPDE UK Limited  
Land 105M NW Of 180 Clynelish Muir, Brora  
**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Battery Energy Storage System with capacity up to 49.9MW, landscaping and associated infrastructure to connect to Brora Substation  
**Ward:** 4 – East Sutherland and Edderton

### 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 Town and Country Planning (Scotland) Act 1997 (as amended) and was made valid on 21 August 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 Plan
  - Site Layout Plan (Indicative)
- 1.4 In line with the current regulations, there will be two in-person consultation events. The first took place on Tuesday 20 August 2024 between 2pm and 6pm at Brora Village Hub and the second will take place on Tuesday 15 October 2024 between 2pm and 6pm at Brora Village Hub. The consultation was publicised and advertised in accordance with the appropriate statutory requirements, with an advert placed within The Northern Times, no less than seven days prior to the event taking place.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Brora Community Council, as well as local Members, MSP's and MP. The applicant undertook a letter drop to advise the public of the consultation events to properties over a distance of approximately 2.5km from the application site.
- 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.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The proposed scheme is a Battery Energy Storage System (BESS) complex, with a maximum installed capacity of up to 49.9MW and associated electrical equipment. The development will involve the construction of new infrastructure, landscaping, cable route, and ancillary works.
- 2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in 2023 (ref. 23/05926/PREMAJ).
- 2.3 The developer has submitted an EIA screening request in respect of the proposal.

### **3.0 SITE DESCRIPTION**

- 3.1 The PAN boundary comprises approximately 2.1 hectares of rising croft land to the south of London Street / U2935. There are neighbouring properties in close proximity to the facility. From the main site area, the proposal site would connect to an existing nearby substation via underground cable, with the proposal being some 700m west of Clynelish distillery.
- 3.2 The nearest natural heritage designation is the Inverbrora Site of Scientific Special Interest (SSSI) which is located 1km to the south and south east, designated for geological features. The Moray Firth Special Area of Conservation (SAC) and Special Protection Area (SPA) is located over 2km south east and east of the site.
- 3.3 There are no national or local landscape designations within the application site boundary. The nearest local designation is the Loch Fleet, Loch Brora and Glen Loth SLA, 780m to the north west of the site.
- 3.4 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the site, however, the wider area is known for archaeological interests.

### **4.0 DEVELOPMENT PLAN**

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

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

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 - Biodiversity
- 4 - Natural places
- 5 - Soils
- 7 - Historic assets and places
- 11 - Energy
- 22 - Flood risk and water management
- 23 - Health and Safety
- 25 - Community Wealth Building
- 29 - Rural development

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

- 28 - Sustainable Design
- 29 - Design Quality and Placemaking
- 36 - Development in the Wider Countryside
- 47 - Safeguarding Inbye/Appportioned Croftland
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 61 - Landscape
- 64 - Flood Risk
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 72 - Pollution

#### 4.3 **Caithness and Sutherland Local Development Plan (2018) (CaSPlan)**

No site specific policies apply.

#### 4.4 **Highland Council Supplementary Guidance**

- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- 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)
- Biodiversity Enhancement Planning Guidance (May 2024)

#### 4.5 **Scottish Government Policy and Other Guidance**

- Onshore Wind Energy Policy Statement (2022)
- Draft Energy Strategy and Just Transition Plan (2023)
- Scottish Energy Strategy (2017)
- 2020 Routemap for Renewable Energy (2011)
- Energy Efficient Scotland Route Map, Scottish Government (2018)
- 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)

#### 5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Residential amenity, including operational noise impacts;
- c) Roads and transport;
- d) Flood risk and drainage impacts;
- e) Design, landscape, and visual impact (including cumulative impacts);
- f) Natural heritage including protected species and habitats;
- g) Impact on trees and woodland;
- h) Built and cultural heritage;
- i) Economic impact and tourism;
- j) Construction impacts;
- k) Pollution;
- l) Decommissioning and restoration;
- m) Outdoor access; and
- n) 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): Laura May  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Proposal of Application Notice  
Plan 2 – Location Plan  
Plan 3 – Site Layout Plan (Indicative)

**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 at north of Clynelish Muir Brora, Highland. Nearest post code: KW9 6LR

**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 Brora Substation with capacity up to 49.9MW.

**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>
Brora community council	19 July 2024
<b>Local Elected Members</b>	<b>Date Notice Served</b>
Richard Gale Jim McGillivray Leslie Anne Niven	19 July 2024
<b>Members of Scottish Parliament and Members of Parliament</b>	<b>Date Notice Served</b>
Jamie Stone jamie.stone.mp@parliament.uk Ariane Burgess ariane.burgess.msp@parliament.sco	8th August 2024
<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>
Brora Village Hub	56 Muirfield Dr, Brora KW9 6QL	20th August 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>
Brora village Hub	56 Muirfield Dr, Brora KW9 6QL	15 <sup>th</sup> October 2024

<b>Publication of Event</b>		
<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
Notice Board, Public notice	The Northern Times	2 <sup>nd</sup> August 2024




<b>Details of any other consultation methods (date, time and with whom)</b>
<p>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 2.5km distance of the application site, to capture the small number of individual properties that are located within the surroundings of the application site.</p> <p>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</p> <p>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</p>

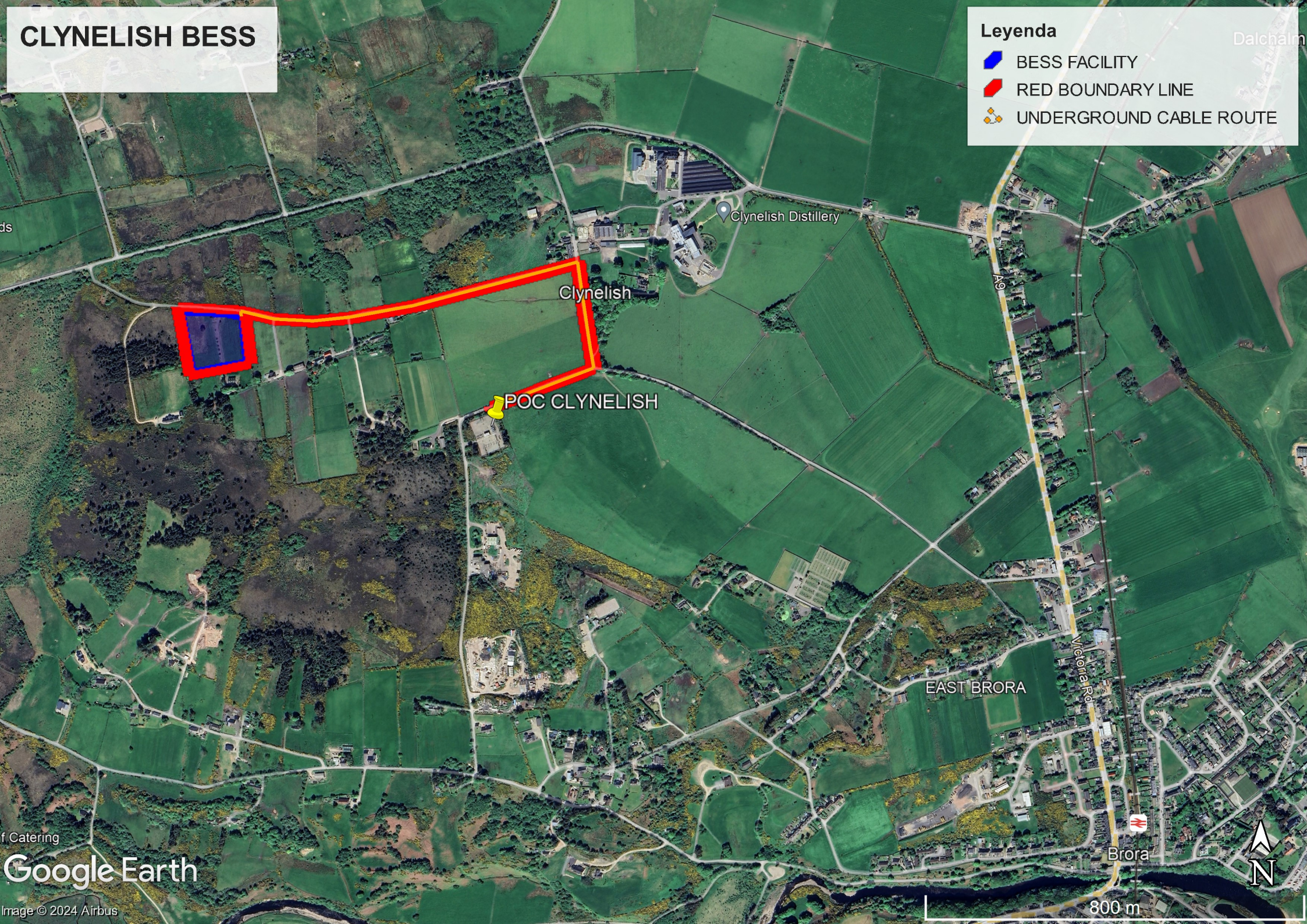
Signed		Date	19 <sup>th</sup> July 2024
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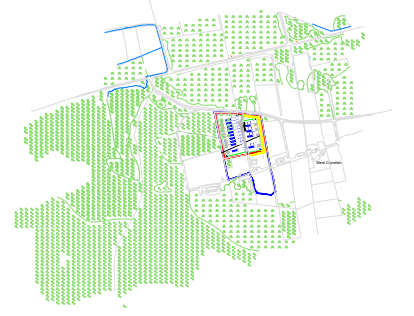


# CLYNELISH BESS

**Legend**

-  BESS FACILITY
-  RED BOUNDARY LINE
-  UNDERGROUND CABLE ROUTE





**LEGEND**

	Site Boundary
	Security Fence
	Internal Road
	Battery + Inverter
	MV Switch + Control Room
	Site Access
	CCTV

**PROJECT SITE**

Coordinates	58.021734, -3.884292
Location	Clynesh Muir, Brora

**VERSION**

3.0				
2.0				
1.0	PRELIMINAR LAYOUT			
V	B.G.G.	M.C.P.	D.U.F.	02/04/2024
	Description			
	DESIGN	REVIEWED	APPROVED	DATE

PROJECT:	180 Clynesh Muir	SCALE:	1:1000
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