

Agenda Item	6.2
Report No	PLS-64-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 19 November 2024

Report Title: 24/03762/PAN: Anesco Ltd
Land 100M South of Blackpark House Nairn

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection and operation of battery energy storage system with a storage capacity of up to 30MW and associated infrastructure

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.

1.0 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 23 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 / 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 01 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arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded.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, there will be two in-person consultation events at Nairn Community & Arts Centre, King Street, Nairn, IV12 4BQ.
- Event 1: Tuesday 03 of September 2024, between 1:00-7:00pm
 - Event 2: Thursday 10 October 2024, between 1:00-7:00pm
- 1.5 The two events were advertised on 27 of September and 01 October 2024 in the Inverness Courier – Nairnshire Edition 12 days prior to the public consultation dates and within the required statutory period. The URL (Uniform Resource Locator) for online access will also be published within the press advert, which will be undertaken in accordance with regulation 7 of the Town and Country planning (Pre-Application Consultation Scotland) Regulations 2019.
- 1.6 The Proposal of Application Notice has been served on the host Community Council of Auldearn Community Council, Nairn River Community Council, Cawdor and West Nairnshire Community Council, Elected Members, MSP and MP have also been served notice. Letters will be sent 14 days prior to the consultation event taking place to invite local residents living within 1.5km of the site to the exhibition and the letter will also include the URL for online access (<https://anesco.com/blackpark-farm-home/>).

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The PAN provides notice of the developer's intention to submit a planning application classified as a major development. The proposal is for the installation and operation of a Grid Battery Energy Storage Facility with anticipated storage capacity of up to 30MW, along with associated infrastructure, with the anticipated development comprising:

- Battery energy storage containers;
- Power conversion systems;
- Voltage transformers;
- A switch room, control room, and amenity building;
- Fencing around site boundary;
- Lighting / CCTV columns; and,
- Associated infrastructure (access, drainage, etc.).

2.2 Any substation connections via new overhead lines would be subject to a separate application made to the Scottish Government's Energy Consents Unit under Section 37 of the Electricity Act 1989. The determination process for an application made under Section 37 of the Act will require further consultation with The Highland Council.

2.3 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in 2022 for the erection of a 132kv Substation (22/04648/PREMAJ).

2.4 A PAN (22/04463/PAN) was previously submitted for the same site and development, but due to a period of 18 months elapsing since that PAN was submitted, a new PAN was required and fresh community engagement to be undertaken.

3.0 SITE DESCRIPTION

3.1 The PAN boundary covers approximately of 1.8 hectares taking place in the agricultural field located adjacent to mature woodland at the West side of Granny Barbour, s Road Southeast of Nairn. Outwith the site on the north-east edge there is shelterbelt of early mature commercial woodland, which is listed in the Ancient Woodland Inventory as Long-established plantation origin (LEPO1860). The site is bounded to the north by the garden ground of Blackpark House, and the aforementioned mature trees to the northeast. The Black Park Farmhouse is located to the south, while more residential houses are located to the north and west. A sawmill and the Grigorhill Industrial Estate, a mixture of industrial uses, are situated to the north, across from Granny Barbour's Road.

3.2 Access is via a private road to the Black Park Farm that connects through the woodland to Granny Barbour's Road, which connects the site to the A939. There are no core paths in the vicinity of the site. The nearest trunk road to the site is the A96(T)

at Nairn. The finalised proposed access arrangements will be confirmed as part of any future planning application.

- 3.3 There are no landscape or cultural designations covering the site however the wider area is known to have archaeological interests as recorded in the Highland Historic Environment Record. There is known flood risk from surface water sources within the site towards its northwest boundary.
- 3.4 The proposed development site is not covered by any international, national, regional or local natural designations however the adjacent woodland is designated Long Established Woodland of plantation origin. The proposed development is 2.5km south-west of the Moray and Nairn Coast Special Protection Area (SPA), which is protected for a range of wintering birds and breeding osprey. The location is within the Coastal Farmlands Landscape Character Type (LCT) as defined by the Landscape Character Assessment produced by NatureScot.
- 3.5 The development site is about 2km north-east of the Kildrummie Kames Site of Special Scientific Interest (SSSI), which is protected for its fen, loch and juniper habitats and geological interest.

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
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 74 - Green Networks

77 - Public Access

4.2 **Inner Moray Firth Local Development Plan (IMFLDP)**

No specific policies are applicable to the site

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**

- 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) 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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author(s): 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	Anesco Ltd	Agent	Stantec
Address	The Green East Park Benyon Road Reading Berkshire RG7 2PQ	Address	Capital Square 3rd Floor 58 Morrison Street Edinburgh EH3 8BP
Phone	c/o agent	Phone	0131 285 3658
Email	c/o agent	Email	etienne.murphy@stantec.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 Blackpark Farm, Nairn, Highland, IV12 5HY

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.

‘Installation of a Grid Battery Energy Storage Facility (up to 30MW), with associated development.’

Typically, a development of this nature would include:

- **Battery energy storage containers;**
- **Power conversion systems;**
- **Voltage transformers;**
- **A switch room, control room and amenity building;**
- **Fencing around site boundary**
- **Lighting / CCTV columns; and**
- **Associated infrastructure (access, drainage, etc).**

Please note that the proposed access route has not been finalised, and the location plan therefore currently includes two potential access options. The finalised proposed access arrangements will be confirmed as part of any future planning application.

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
Auldearn Community Council Nairn River Community Council Cawdor and West Nairnshire Community Council	23/08/2024
Local Elected Members	Date Notice Served
Councillors Fraser, Green, Jarvie and Oldham of the Nairn and Cawdor Ward	23/08/2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Graham Leadbitter MP Fergus Ewing MSP	23/08/2024

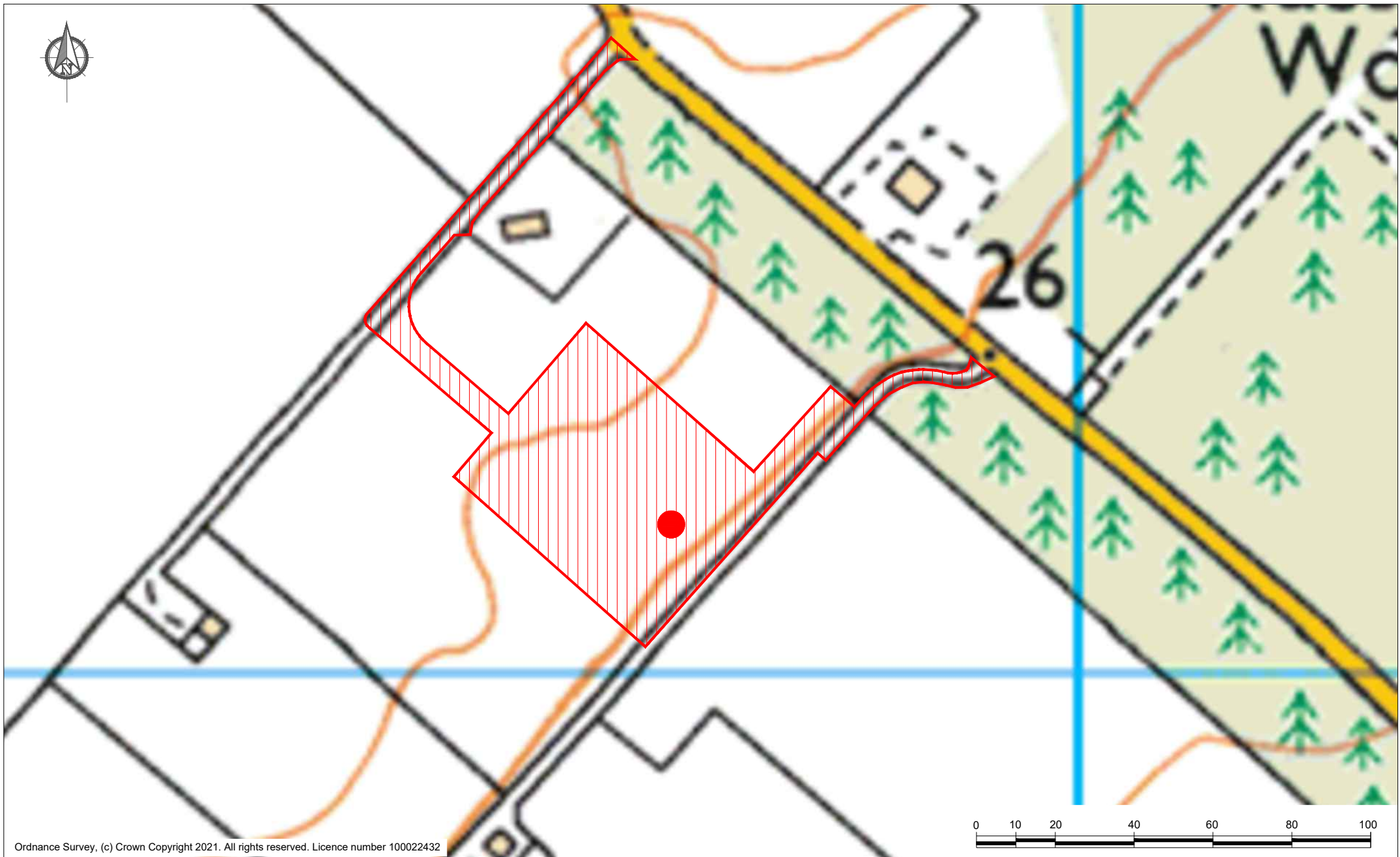
Names / details of other parties	Date Notice Served

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
1 st Public consultation event	Nairn Community & Arts Centre, King Street, Nairn, IV12 4BQ	1 – 7pm on Tuesday 3 rd September 2024
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
2 nd Public consultation event	Nairn Community & Arts Centre, King Street, Nairn, IV12 4BQ	1 – 7pm on Thursday 10 th October 2024



Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Notice for 1 st event	Inverness Courier – Nairnshire Edition	27 th August 2024
Notice for 2 nd event	Inverness Courier – Nairnshire Edition	1 st October 2024

Details of any other consultation methods (date, time and with whom)
<p>Leaflet drop to properties within a 1.5km radius (c.550 properties) to advertise the consultation events.</p> <p>Consultation website to go live ahead of the first event: https://anesco.com/blackpark-farm-home/</p>

Signed	Etienne Murphy	Date	23/08/2024
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Installer Details Anesco Ltd. The Green, Easter Park, Benyon Road, Reading, RG7 2PQ Tel: 0845 894 4444	Comments Site Area: 4.45 Acres / 1.80 hectares  DNO Substation Location: NH 89787 55081	Revision A Revised from Drawing no. Q21_0305_04 B Issued for comment C Red Line Boundary Amended D Second access route added E RLB and access track revised	Revised By MS GM JH GM GM	Date 27/09/2022 24/01/2023 13/05/2024 19/08/2024 21/08/2024	Drawn By JS	Installation Address Househill, Nairn, Highland, IV12 5HX	Project NAIRN	Title LOCATION PLAN	Drawing No. C0002472_01	Rev. E	 Anesco ™ AMAZING ENERGY
		Scale 1:2500	Sheet Size A4								