

Agenda Item	5.4
Report No	PLN/055/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 7th August 2024

Report Title: 24/02845/PAN: The Highland Council
Forss Business and Technology Park, Forss, Thurso

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Development of a Battery Energy Storage System with a capacity of 49.9MW consisting of battery storage modules and associated infrastructure fencing, control buildings, substations and CCTV.

Ward: 02 – Thurso and Northwest 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.

1.0 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 25th 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 1st 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arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded.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 the proposed site - Forss Business & Energy Park, Forss, near Thurso.
- Event 1: Wednesday 25 June 2024, between 3:00-7:00pm
 - Event 2: Thursday 22 August 2024, between 3:00-7:00pm
- 1.5 The two events were advertised on 12th and 17th July 2024 in the John O' Groats Journal and Caithness Courier 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 Caithness West Community Council, Local Ward 02 (Thurso and Northwest Caithness), 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 withing 2.5km of the site to the exhibition and the letter will also include the URL for online access.
- 1.7 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resulting amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed scheme is for the development of a Battery Energy Storage System (BESS) facility, with a capacity of 49.9MW consisting of battery storage modules and associated infrastructure including fencing, control building, substation, and CCTV. The Site location has been chosen due to the proximity to the existing Forss Business & Energy Park.
- 2.2 The existing Forss Business & Energy Park already includes existing energy infrastructure including 6 operational wind turbines with maximum height of 100m and a combined heat and power facility. Planning permission was granted earlier this year for an additional wind turbine (Planning Permission 20/04455/FUL).

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary covers approximately of 72.51ha. The site lies approximately 9.2km Northwest of Thurso and approximately 3.2km Northeast of the former Dounreay nuclear facility with the proposed site contained within the boundary of the Forss Business and Technology Park. There are 6 existing wind turbines within the site. The site is generally flat with the highest point located to the south which lies approximately 52m above Ordnance Survey Datum (AOD). There are two watercourses within the site. One is located at the Northeastern boundary and drains into the North Sea. The second, located to the west of the site, is the short burn which feeds into an agricultural field drainage channel running along the western boundary.
- 3.2 The Forss Energy and Business Park has been allocated in the local development plan (CaSPlan 2022) as a Caithness Economic Development Area. CaSPlan notes the Park has potential to provide further support to the decommissioning of Dounreay and the growth of the renewable energy industry. The Placemaking Priorities include:
- High quality siting and design is required.
 - Expansion opportunities may exist to the west between the business and energy park and the wind turbines.
 - Visual impact from the A836 needs to be considered as part of any expansion proposals.
 - Consideration is required of the use of the site by geese connected with the Caithness Lochs SPA. Ensure the maintenance of the Scottish Primrose (*Primula scotica*) population found at this location.
- 3.3 The site lies within the Health and Safety Executive's Hazard area (Dounreay nuclear facility) and within the Dounreay consultation boundary. There are two core paths located within the application site, these were installed as part of the Community Benefit from the existing Forss 1 and 2 windfarms.
- 3.4 There are no designated natural heritage designations within the site. However, the site lies within 3km of the North Caithness Cliffs Special Protection Area (SPA) located to the Northeast, protected for its nesting and seabirds and breeding population of peregrine. The nearest Site of Special Scientific Interest (SSSI) is the Ushat Head approximately 680m to the Northeast.

- 3.5 The site lies within a historic landscape containing several prehistoric and medieval sites. Within the wider site (Forss Business and Energy Park) Crosskirk, St Marys Chapel (a nationally designated heritage feature) and broch South of Chapel Pool Scheduled Monument (SM90086) lies to the Northeast of the site. Green Tullochs, broch and cairn approximately 640m North/Northwest of Borrowston Mains (SM554) lies approximately 910m Northwest of the site.
- 3.6 The site boundary runs along the North coastline where there is a risk of coastal flooding according to SEPA's flood risk mapping.

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 20 - Blue and Green Infrastructure

Policy 7 – Historic assets and places

Policy 25 - Community Wealth Building

Policy 11 – Energy

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

4.2 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

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 **Caithness and Sutherland Local Development Plan (CaSPlan) (2022)**

Caithness Economic Development Areas: Forss Business and Energy Park

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) 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.

Designation: Area Planning Manager – North
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	Forss Energy Storage Limited	Agent	Andy Brand
Address	Nene Lodge, Funthams Lane, Whittlesey, Cambridgeshire, PE7 2PB	Address	Abbey Properties Cambridgeshire Limited, c/o Balmore House, Forss Business & Energy Park, Forss, KW14 7UZ
Phone	01733 200908	Phone	
Email		Email	abrand@taguk.co.uk

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 west of Forss Business & Energy Park, Forss, near Thurso, KW14 7UZ

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.

Development of a Battery Energy Storage System with a capacity of 49.9MW consisting of battery storage modules and associated infrastructure including fencing, control buildings, substations and CCTV.

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 – but to be issued imminently

Community Consultation

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

Community Council/s**Date Notice Served**

Caithness West Community Council

25th June 2024

Local Elected Members**Date Notice Served**

Councillor Ron Gunn
Councillor Struan Mackie
Councillor Matthew Reiss
Councillor Karl Rosie

25th June 2024

Members of Scottish Parliament and Members of Parliament**Date Notice Served**

At the time of this submission there is no sitting MP owing the upcoming general election on 4th July 2024. The Applicant will make the incoming MP aware of the proposal by 12th July 2024

TBC

Names / details of other parties**Date Notice Served**

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
Public Consultation Event	Forss Business & Energy Park, Forss, near Thurso, KW14 7UZ	Wednesday 24 th July 2024 3pm to 7pm
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
Public Feedback and Consultation Event	Forss Business & Energy Park, Forss, near Thurso, KW14 7UZ	Thursday 15 th August 2024 3pm to 7pm

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Public Notice	John O’Groat Journal Caithness Courier	12 th July 2024 17 th July 2024
Details of any other consultation methods (date, time and with whom)		
Invitation letters to be sent to properties within 2.5km of the site Project website to be available – www.forssenergystorage.co.uk .		

Signed	[REDACTED]	Date	25/06/2024
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