

Agenda Item	5.1
Report No	PLS-51-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 01 October 2024

Report Title: 24/03422/PAN: Whirlwind Renewables Ltd
Land SE Of Sleigh Landscapes Grigorhill Industrial Estate Nairn

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Construction of battery energy storage scheme (BESS) (up to 49.9MW) and associated works.

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 Town and Country Planning (Scotland) Act 1997 (as amended) and was made valid on 20.08.2024. 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;
 - Copies of advertisements as published in the Inverness Courier.
- 1.4 There have been two in-person public consultation events since the PAN was submitted, both taking place at Nairn Community and Arts Centre, the Dulsie Room. The first event took place on 22 August 2024 between 15:00 to 18:00 and the second on the 12 September 2024 between 15:00 to 18:00. The first event was advertised in the Inverness Courier Friday 09 August 2024. The second event was also advertised in the Inverness Courier on Tuesday 27 August. Both advertisements conform with the statutory minimum of advertising events 7 days prior to the event.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Auldearn Community Council, as well as Local Members, a Member of Scottish Parliament and a Member of Parliament. In accordance with Highland Council's guidance relating to public consultation, the applicant has written to all properties outwith the Settlement Development Areas within 2.5km of the proposal, and all properties within 500m of the proposal that are within Settlement Development Areas. The letter provided details of the proposal, details of the consultation website (kinnudiebess.co.uk), details of the consultation events and the developers contact details. These letters were sent out on the 05 August 2024.
- 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 proposal is for the development of a Battery Energy Storage System (BESS) facility not exceeding 49.9 Megawatts comprising circa 30 battery storage units, power conversion units, switch and substation buildings, access track, and associated equipment and infrastructure within a fenced compound not exceeding 1 hectare in area. The proposed access is via an existing track and junction with the public Granny Barbour's Road.

3.0 SITE DESCRIPTION

- 3.1 The PAN site boundary covers approximately 3.42 hectares of designated Long Established and Ancient Woodland as well as agricultural ground. The site is located approximately 1.3km West of Auldearn and 2km Southeast of Nairn. Part of the woodland is covered by a Felling License for tree thinning that expires 02 July 2023 (FLA03199).
- 3.2 There are no other natural or landscape designations covering the proposal site however it is within potential connectivity distance of several sites designated for international and national importance including the Moray and Nairn Coast Special Protection Area (SPA), which is approximately 2.6km to the northwest and is protected for a range of wintering birds and breeding ospreys. Sites of Special Scientific Interest (SSSI) include the Kildrummie Kames SSSI, which is approximately 3km southwest, while the Culbin Sands, Culbin Forest and Findhorn Bay SSSI is approximately 2.5km North. The site falls within the Coastal Farmlands – Moray & Nairn Landscape Character Type as defined by NatureScot’s Landscape Character Assessment.
- 3.3 The proposal site falls within the Battle of Auldearn (BTL3) – Historic Battlefield Areas Designation. There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Area within 100m of the site. The nearest Listed Building is the Category C Listed Grigorhill farmstead at approximately 500m to the southeast. The nearest Scheduled Monument Dooket Hill, motte and doocot, Auldearn (SM9293) is approximately 1km to the northeast. There is a Transco gas pump and a high pressure gas pipeline within 100m south of the site. A medium pressure gas pipeline runs through the site.
- 3.4 According to SPEA ‘s flood risk mapping, there are pockets of known surface water flood risk , particularly on the access track, while the site is also within the proposed Inverness to Nairn (incl. Nairn Bypass) A96 Dualling area.

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
- 6 - Forestry, woodland, and trees
- 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
- 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 **Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024)**

- 1 – Low and Zero Carbon Development
- 2 – Nature Protection, Restoration and Enhancement
- 5 – Green Networks
- 14 – Transport

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.

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): Ross Cubey
 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	Whirlwind Renewables Ltd	Agent	Dan Grierson
Address	The Energy Workshop 32 Park Cross Street Leeds LS12QH	Address	The Energy Workshop 32 Park Cross Street Leeds LS12QH
Phone		Phone	
Email	James@whirlwindrenewables.com	Email	

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 Russell's Wood, north of Granny Barbour's Road and 2 km southeast of Nairn, grid reference: East: 290329. North: 855094

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.

The construction and installation of a Battery Energy Storage System with an installed capacity not exceeding 49.9 Megawatts. Consisting of circa 30 battery energy storage units, associated power conversion units, associated switch and substation buildings and associated equipment, placed within a fenced compound not exceeding 1 hectare in area. The project will utilise an existing from the public highway at Granny Barbour's Road and a length of new access track. The project will include landscaping consisting of native woodland and other habitat and will be designed to deliver a net gain in biodiversity of at least 10%

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	05/08/2024
Local Elected Members	Date Notice Served
Nairn and Cawdor members: Laurie Fraser, Michael Green, Barbara Jarvie and Paul Oldham	05/08/2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Angus MacDonald MP Fergus Ewing MSP	05/08/2024
Names / details of other parties	Date Notice Served

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
	Nairn Community and Arts Centre, the Dulsie Room	22/08/2024 3pm to 6pm
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
	Nairn Community and Arts Centre, the Dulsie Room	12/09/2024 3pm to 6pm

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
	Inverness Courier	Week commencing 05/08/24

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

All addresses within 2.5k of the project excluding addresses within the Nairn Settlement Development Area which are over 500m from the proposal will receive a letter providing details of the proposal, its location, details of a consultation website, details of the consultation events and the developers contact details. These will be sent by first class post in the week commencing 05/08/24

Signed		Date	02/08/2024
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