

Agenda Item	5.1
Report No	PLN/073/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 29 October 2024

**Report Title:** 24/03765/PAN: Field Fyrish Limited

Construction and operation of a Battery Energy Storage System along with associated infrastructure and ancillary works, earthworks, access, drainage, landscaping, cable to Fyrish substation, and biodiversity enhancements at Land 140M NW Of 2 Clashnabuiac, Alness

**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Construction and operation of a Battery Energy Storage System along with associated infrastructure and ancillary works, earthworks, access, drainage, landscaping, cable to Fyrish substation, and biodiversity enhancements

**Ward:** 06 – Cromarty Firth

### 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 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 27<sup>th</sup> of 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)
  - Site Location Plan
- 1.4 There will be two in-person consultation events, the first event took place on Tuesday 3<sup>rd</sup> September 2024 between 2pm and 7pm at Ardross Community Hall, and the second event will be held on Tuesday 3<sup>rd</sup> October 2024 between 2pm and 7pm at also at Ardross Community Hall. The first event was advertised on 23<sup>rd</sup> August 2024 in the Ross-shire Journal, 11 days prior to the public consultation dates and within the required statutory period. The advert for the next events will be placed in the Ross-shire Journal, for which the date is to be confirmed.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Ardross; Kiltearn; Alness; and Invergordon Community Councils, as well as local Members, MSP's and MP's. The applicant undertook a letter drop to advise the public of the consultation events to properties over a distance of approximately 2km from the application site, expanded to include local villages to including Alness up to the boundary of Alness River. The applicant has also created a dedicated project website: <https://www.fieldfyrish.co.uk/>
- 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 proposed scheme is a Battery Energy Storage System (BESS) complex, with a maximum installed capacity of up to 200MW 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 2024 for the erection of a 200MW Battery Energy Storage System (HC ref. 24/02566/PREMAJ).

### **3. SITE DESCRIPTION**

- 3.1 The PAN boundary covers a site area of approximately 53.5 hectares taking in the existing Fyrish Substation, however, the proposed Battery Energy Storage System (BESS) will occupy approximately 6 hectares of this area. The site is located to the west of Alness and is accessed via the B9716 from the A9 Trunk Road. From the main site, it is proposed to connect the Battery Energy Storage System (BESS) to Fyrish substation located to the north of the site via underground cable.
- 3.2 The Alness River Valley Site of Special Scientific Interest (SSSI) is located approximately 1km to the north-east of the main site. Novar Special Protection Area and Area of Ancient woodland is located approximately 1km north-west of the site and briefly runs along the boundary with the existing Fyrish substation. Cromarty Firth RAMSAR, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) are located to approximately 1km to the south of the site.
- 3.3 There are no Listed Buildings or Scheduled Monuments in the vicinity of the site however, the wider area is known for archaeological interests.

### **4. 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/Apportioned 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 **Inner Moray Firth Local Development Plan (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 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)
- 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)
- Trees, Woodlands and Development (Jan 2013)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)

#### 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)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)

### 5. **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Residential amenity;
- c) Roads and transport;
- d) Flood risk and drainage impacts;
- e) Design, landscape and visual impact including cumulative;
- f) Natural heritage including protected species and habitats;
- g) Impact on trees and woodland;
- h) Built and cultural heritage;
- i) Construction impacts;
- j) Pollution;
- k) Site restoration;

- l) Outdoor access; and
- m) Any Other Material Considerations Raised within Representations.

## **6. 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. IMPLICATIONS**

- 7.1 Not applicable.

## **8. 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: Dafydd Jones  
Designation: Area Planning Manager – North  
Author(s): Jenna Baldie  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)  
Plan 2 – Site 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	Field Fyrish Ltd	Agent	Sarang Choudhary (On behalf of TNEI Services Ltd)
Address	Fora, Montacute Yards, Shoreditch High Street, London, E1 6HU	Address	7th floor, West One, Forth Banks, Newcastle upon Tyne NE1 3PA
Phone	c/o Agent	Phone	+44 1912111407
Email	c/o Agent	Email	<a href="mailto:sarang.choudhary@tneigroup.com">sarang.choudhary@tneigroup.com</a>

**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 650m South of Fyrish Substation, Alness, IV17 0XH.

**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.

Construction and operation of a Battery Energy Storage System along with associated infrastructure and ancillary works, earthworks, access, drainage, landscaping, cable to Fyrish substation, and biodiversity enhancements.

**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>
<ul style="list-style-type: none"> <li>• Ardross Community Council</li> <li>• Kiltarn Community Council</li> <li>• Alness Community Council</li> <li>• Invergordon Community Council</li> </ul>	Thursday 22 <sup>nd</sup> August 2024
<b>Local Elected Members</b>	<b>Date Notice Served</b>
<ul style="list-style-type: none"> <li>• Cllr Raymond Bremner – Leader of the Council</li> <li>• Cllr Ken Gowans - Chair, Economy and Infrastructure Committee</li> <li>• Cllr Sarah Fanet - Chair, Climate Change Committee</li> <li>• Cllr Tamala Collier - Site Ward Councillor (Cromarty Firth Ward)</li> <li>• Cllr Maxine Smith - Site Ward Councillor (Cromarty Firth Ward)</li> <li>• Cllr Sean Kennedy - Neighbouring Ward Councillor (Dingwall and Seaforth Ward)</li> <li>• Cllr Graham MacKenzie - Neighbouring Ward Councillor (Dingwall and Seaforth Ward)</li> <li>• Cllr Angela MacLean - Neighbouring Ward Councillor (Dingwall and Seaforth Ward)</li> <li>• Cllr Margaret Paterson - Neighbouring Ward Councillor (Dingwall and Seaforth Ward)</li> </ul>	Thursday 22 <sup>nd</sup> August 2024
<b>Members of Scottish Parliament and Members of Parliament</b>	<b>Date Notice Served</b>

<ul style="list-style-type: none"> <li>• Jamie Stone MP - Site MP for Caithness, Sutherland and Easter Ross</li> <li>• Maree Todd MSP - MSP for Caithness, Sutherland and Ross</li> <li>• Kate Forbes - Neighboring MSP for Skye, Lochaber and Badenoch</li> <li>• Douglas Ross – Regional MSP for the Highlands and Islands</li> <li>• Edward Mountain – Regional MSP for the Highlands and Islands</li> <li>• Rhoda Grant – Regional MSP for the Highlands and Islands</li> <li>• Tim Eagle – Regional MSP for the Highlands and Islands</li> <li>• Ariane Burgess – Regional MSP for the Highlands and Islands</li> <li>• Jamie Halcro Johnston – Regional MSP for the Highlands and Islands</li> <li>• Emma Roddick – Regional MSP for the Highlands and Islands</li> </ul>	Thursday 22 <sup>nd</sup> 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>
Event 1	Ardross Community Hall, Ardross, IV17 0XW	Tuesday, 3 <sup>rd</sup> September 2024 from 2 PM to 7 PM
<b>Proposed Public Event 2</b> <i>(at least 14 days after Public Event 1)</i>	<b>Venue</b>	<b>Date and Time</b>
Event 2	Ardross Community Hall, Ardross, IV17 0XW	Thursday, 3 <sup>rd</sup> October 2024 from 2 PM to 7 PM

<b>Publication of Event</b>
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<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
Event 1	Ross-shire Journal	Friday 23 <sup>rd</sup> August 2024.
Event 2	Ross-shire Journal	TBC
<b>Details of any other consultation methods (date, time and with whom)</b>		
<p>Field Fyrish Website - <a href="https://www.fieldfyrish.co.uk/">https://www.fieldfyrish.co.uk/</a>  <b>Consultation brochure drop to all properties within a minimum of 2 km of the site, expanded to include local villages including Alness up to the boundary of Alness River.</b></p>		

Signed	Sarang Choudhary on behalf of TNEI Services Ltd	Date	27/08/2024
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