



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
14 MARCH 2023**

SUBJECT: 23/00206/PAN PROPOSED INSTALLATION OF AN ENERGY STORAGE FACILITY INCLUDING THE SITING OF BATTERY ENCLOSURES, POWER CONVERSION UNITS AND TRANSFORMERS, A SUBSTATION, HARD-STANDING AREA, FENCING, VEHICULAR ACCESS, GRID CONNECTION AND ANCILLARY WORKS ON LAND TO WEST OF BERRYBURN SUBSTATION, MORAY

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 6 February 2023 by Renewable Energy Systems Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposal for an energy storage facility which will include battery enclosures, power conversion units and transformers, a substation, hard standing area, fencing, vehicular access, grid connection and ancillary works. The submission states that the development would have a capacity of up to 49.9MW. A plan is appended showing the location and extent of the site (**Appendix 1**).
- 3.5 The site extends to 4.4ha and is located directly adjacent to Berryburn Electrical Substation, approximately 3km southeast of Dunphail and approximately 11.5km south of Forres. It is irregular in shape and comprises an agricultural field and grassland. The northwest of the site is bordered by an overhead electricity line, beyond which lies grassland and woodland. The southeast of the site is bordered by a minor road which leads back to the A940 under the Divie Viaduct to the west. To the south lies grassland and agricultural land. Vehicular access is proposed via an existing estate track which joins onto the U89E unclassified road 3km to the north.
- 3.6 Planning permission is required for this proposal. The proposal is for an energy installation with a capacity of 49.9 MW therefore under the current hierarchy regulations the proposal would comprise a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation (PAC) procedures with the local community. The applicant has used the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.

- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Finnerne Community Council and councillors for the Forres ward, and to distribute project information letters to stakeholders and the local community. A dedicated website will also be launched and will be updated, and remain live throughout the project's development. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.8 The regulations in relation PAC have changed (The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021) refers) to require a minimum of two public events for all PANs submitted after 1 October 2022. The final event is primarily about feedback on the views gathered during PAC. In this case the PAN advises that public events will be held at Edinkillie Community Hall, Dunphail on Thursday 23 February 2023 and during the week commencing 17 April 2023 (with date to be confirmed). Each event requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting

5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for an energy storage facility. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Richard Smith, Principal Planning Officer
Background Papers: 23/00206/PAN
Ref: