



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

**SUBJECT: 22/01653/PAN ERECTION AND OPERATION OF ANAEROBIC
DIGESTION PLANT AND ASSOCIATED INFRASTRUCTURE ON
LAND AT RATHVEN, BUCKIE**

**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 8 November 2022 on behalf of Acorn Bioenergy
- 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 anaerobic digester plant and associated infrastructure which will convert waste feed stock into biogas which is upgraded to biomethane which will ultimately be fed into the national grid. The proposed development includes digestion tanks, gas flare, biogas upgrading and CO₂ recovery unit, feed hopper, heat exchanger, chiller, CP2 tanks, digestate lagoons and rainwater lagoon. The generating capacity will be 100GW per year. The development will not be connected to the grid and the biomethane will be transported to an off-site hub where it will enter the grid.
- 3.5 The site extends to 6.ha and is located on open farm land to the east of the junction of the A98 and March Road in Buckie. The A98 runs to the south of the site and March Road to the west. There is woodland to the south east. The Settlement boundary of Buckie is approximately 300 m to the north and the rural grouping of Rathven (both as identified in the MLDP 2020) is approximately 650m to the north. The nearest houses are approximately 270m to the west. The site is within the Countryside Around Town (CAT) around Buckie. The Tarrieclerach which is a visible cairn that is noted on the Historic Environment Record (HER) abuts the site to the south east. A small portion of the north western corner of the site is identified by SEPA as being at risk of surface water flooding.
- 3.6 Planning permission is required for this proposal. The proposal is for an industrial process where the site exceeds 2ha and therefore the proposal is a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant(s) have been advised of 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 Buckie & District and Findochty &

District Community Council. 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 The Fishermen's Hall in Buckie on Thursday 8 December and Thursday 19 January. 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 to all comments made on the proposal in the development of the application.

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 anaerobic digester. 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.**

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| Author of Report: | Lisa MacDonald |
| Background Papers: | 22/01653/PAN |
| Ref: | |