

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 14 FEBRUARY 2023**

**PROPOSAL OF APPLICATION NOTICE – LAND AT BALWYLLO, DUN, MONTROSE  
GRID REF: 365945 : 758868**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**Abstract:**

This report advises Committee that a Proposal of Application Notice (PAN) (ref: [23/00014/PAN](#)) has been submitted in respect of a major development comprising of the creation of an energy storage facility, associated highway access, boundary treatments and landscaping on land at Balwyllo Farm, Dun, Montrose for Whirlwind Energy Storage. Committee is invited to identify issues which it would like to see addressed in the planning application that is subsequently submitted.

**1. RECOMMENDATION**

It is recommended that Committee notes the key issues identified at this pre-application stage and advises of any other issues it considers should be addressed in the planning application that is subsequently submitted.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained in the Angus Local Outcomes Improvement Plan and Locality Plans: -

- Safe, secure, vibrant and sustainable communities;
- A reduced carbon footprint; and
- An enhanced, protected and enjoyed natural and built environment.

**3. INTRODUCTION**

3.1 At its meeting on the 19 June 2014, council approved a guidance note on the role of Councillors in pre-application procedures in respect of national and major planning applications (report 275/14 refers). A key element of that guidance note requires officers to present a report to committee when a PAN is submitted. Such a report will set out what are considered to be the key considerations in the determination of any subsequent planning application and will allow Members the opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

3.2 A PAN (ref: [23/00014/PAN](#)) has been submitted which indicates that an application for planning permission is to be submitted for the creation of an energy storage facility, associated highway access, boundary treatments and landscaping on land at Balwyllo Farm, Dun, Montrose. The proposed development site would measure around 2 hectares and would consist of up to 50 containerised battery storage units and associated infrastructure, including transformers and switchgear. A plan showing the outline of the site on which the development is proposed is attached at Appendix 1.

- 3.3 The submitted PAN sets out the proposed pre-application consultation (PAC) activity that the applicant intends to undertake with the local community. The applicant has indicated that 2 in-person public events will be held in Hillside Village Hall on 24 January 2023 and 21 February 2023 which will be advertised in the local press. They indicate that letters have been sent to local residents in the vicinity of the site, Hillside, Dun and Logie Pert Community Council, Montrose and District Ward Members, the MP and the constituency MSP. The agent suggests a consultation website will also be set up to allow members of the public further opportunity to comment. The agent was advised to issue letters to regional as well as the constituency MSPs with precise details of the remaining public consultation activity. The consultation activity generally appears to comply with the current legislative requirements for PAC.
- 3.4 The applicant's agent has been advised that a planning application cannot be submitted prior to 31 March 2023 (the date 12 weeks from the submission of the valid PAN).
- 3.5 The results of the community consultation will be submitted with any subsequent major planning application in the form of a PAC Report as required by Development Management Regulations.

#### **4. DISCUSSION**

- 4.1 Committee is aware that planning legislation requires decisions in respect of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. In this respect a number of policies in [National Planning Framework 4 \(NPF4\)](#) and in the [Angus Local Development Plan \(ALDP\)](#) will be relevant to the proposal.
- 4.2 The Development Plan consists of National Planning Framework 4 (NPF4) and the Angus Local Development Plan (ALDP). The foundations of NPF4 aim to support development that helps to meet greenhouse gas emissions targets and NPF4 gives significant weight to the global climate emergency. There are specific policies in the development plan that relate to renewable and low carbon energy development (NPF4 Policy 11 and ALDP Policy PV9) and these are generally supportive of developments of that nature. Those policies identify criteria that will be relevant to the assessment of proposals for renewable energy development. In addition, [Angus Council has adopted Renewable and Low Carbon Energy Development Supplementary Guidance](#). Those policies and associated documents would be relevant to the determination of any planning application.
- 4.3 Other policies in NPF4 and the ALDP will be relevant to the determination of any application, including those that encourage, promote and facilitate development that addresses the global climate emergency and nature crisis; those that deal with the use of prime quality agricultural land; protection of amenity; safeguarding of the natural and built environment, including landscape and visual impact; access and informal recreation; essential infrastructure; and the water environment. National policy guidance and targets related to the generation of renewable and low carbon energy will also be relevant.
- 4.4 In these circumstances the key considerations in relation to the determination of a planning application will be whether the proposal complies with relevant development plan policies or whether there are other material considerations that justify a departure from relevant policies, having particular regard to the following matters: -
- Locational justification for proposed development;
  - Soil quality, farm viability and potential land contamination;
  - Landscape and visual Impact, including cumulative impact;
  - Impact on amenity, including residential and recreational amenity;

- Ecological impact, including disturbance, displacement, habitat loss and/ or fragmentation and/ or opportunities for habitat improvement;
- Built and cultural heritage impacts, including impacts on designated gardens and landscapes and listed buildings;
- Impacts on infrastructure, including public road network, public access and overhead lines;
- Impacts on the water environment, including flood risk;
- Electricity transmission arrangements;
- Cumulative impacts;
- Site decommissioning and restoration;
- Contribution to energy generation targets and local socio-economic impact;
- Other material considerations including relevant local and national guidance on renewable and low carbon development, and representations in support or objection to the proposal that raise relevant planning considerations

4.5 Whilst other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage that are likely to be determining factors for any subsequent planning application. However, Members are invited to identify any additional matters that they would wish to see addressed.

## 5. OTHER IMPLICATIONS

The human rights implications associated with the proposal will be considered in the determination of any subsequent major planning application for planning permission.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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**DATE: 6 FEBRUARY 2023**

APPENDIX 1: Site Location Plan  
APPENDIX 2: Planning Service Presentation