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| Agenda Item | **5.1**  |
| Report No | **PLN/087/22** |

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| HIGHLAND COUNCIL |
| Committee: North Planning Applications CommitteeDate: 6 December 2022Report Title: 22/04895/PAN: Simon Morrison and Co Easter Urray, Muir Of Ord, IV6 7ULReport By: Area Planning Manager – North |
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**Purpose/Executive Summary**

**Description:** Creation of a solar farm

**Ward:** 05 – Wester Ross, Strathpeffer and Lochalsh

**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.

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| **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 Planning etc. (Scotland) Act 2006 and was made valid on 10 November 2022. 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 Forms)
* Location Plan
* Covering Letter
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| 1.4 | In October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. This changed some of the consultation activities required by the applicant for PANs submitted after 1 October 2022. The previous arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. In line with the current regulations, the developer proposes to undertake two in person public consultation events, in the Muir of Ord Village Hall, scheduled as follows:Event 1: Friday 13 January 2023, between 4-7pmEvent 2: Friday 03 February, between 4-7pm |
| 1.5 | The consultation is to be publicised and advertised in accordance with the appropriate statutory requirements, with an advert placed within the Ross -Shire Journal by Friday 9 December 2022. The applicant has confirmed that they will also advertise the second event at least 7 days in advance. An invitation maildrop is to be undertaken, during the week commencing Monday 23 November, incorporating the press advert text, making local residents aware of the proposed development. The catchment for its wider distribution was agreed with the Planning Authority and covered a radius of 500m from the proposed site. The PAN form also indicates that Muir of Ord, Maryburgh, Ferintosh and Marybank, Scatwell and Strathconon Community Councils were notified, in line with the statutory requirements. |
| 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 proposed scheme comprises a development of solar arrays with a generating capacity of approximately 10 MW. The site would also include an electrical control building/substation, transformers and energy storage facilities, as well as security fencing and landscaping. The site is located within the designated Hinterland to the east of Muir of Ord. The closest settlement is the small village of Urray.  |
| 2.2 | The developer is encouraged to seek formal pre-application advice from the Planning Authority, through the Pre-Application Advice Service for Major Developments. |
| 2.3 | The developer is encouraged to submit an EIA screening request in respect of the proposals.  |
| 2.4 | An amended location plan was submitted by the applicant on 23 November 2022 that extends the red line site into an area of ground previously used for sand extraction to the south of the original boundary.  |
| **3.0** | **SITE DESCRIPTION** |
| 3.1 | The PAN boundary comprises some 39 Ha of mainly agricultural land, associated with the Easter Urray farm steading. The site is mainly surrounded by open land, with the Rivers Conon and Orrin running around the north and west, however, the Old Urray Former Parish Manse complex and Chapel site, the former of which are the subject of several listings, are located to the west.  |
| 3.2 | Parts of the northern and southern edges of the amended site, border directly on areas designated as Ancient Woodland Inventory (of both ancient semi natural and long-established plantation origin). The nearest other natural heritage designations are parts of the Conon Islands Special Area of Conservation (SAC), designated for its Alder woodland on a floodplain, that are located directly across the River Orrin to the northwest. The Lower River Conon to the east, is also designated as a Site of Special Scientific Interest (SSSI) for its wet woodland and fen land. The River Conon is connected to the Cromarty Firth, which is designated as a Special Protection Area (SPA) / RAMSAR site. |
| 3.3 | The are no national or local landscape designations within the application site boundary. The nearest local designation is the Ben Wyvis Special Landscape Area (SLA) which at its closest point, is just over 10km to the north of the site. |
| 3.4 | Parts of the site are designated as at risk of fluvial (river) and pluvial (surface water) based flood events, on the SEPA maps.  |
| 3.5 | There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the site. |
| **4.0** | DEVELOPMENT PLAN |
|  | The following policies are relevant to the assessment of the proposal: |
| 4.1 | **Highland Wide Local Development Plan (2012)** |
|  | 28 - Sustainable Design 29 - Design Quality and Place-making 30 - Physical Constraints31 - Developer Contributions34 - Settlement Development Areas42 – Previously Used Land 51 - Trees and Development 55 - Peat and Soils 56 - Travel 57 - Natural, Built and Cultural Heritage 58 - Protected Species 59 - Other Important Species 60 - Other Important Habitats 61 - Landscape63 - Water Environment64 - Flood Risk65 - Waste Water Treatment66 - Surface Water Drainage67 - Renewable Energy Developments70 - Waste Management Facilities72 - Pollution77 - Public Access |
|  | **Inner Moray Firth Local Development Plan (IMFLDP) (2015)**  |
| 4.2 | The site is located within the designated Hinterland around established towns.  |
|  | **Inner Moray Firth Proposed Local Development Plan (2022)** |
| 4.4 | The site is located within the designated Hinterland around established towns. |
| 4.5 | **Highland Council Supplementary Guidance** |
|  | * Construction Environmental Management Process for Large Scale Projects (Aug 2010)
* Developer Contributions (Nov 2018)
* Flood Risk & Drainage Impact Assessment (Jan 2013)
* Highland Historic Environment Strategy (Jan 2013)
* Highland's Statutorily Protected Species (Mar 2013)
* Managing Waste in New Developments (Mar 2013)
* Physical Constraints (Mar 2013)
* Public Art Strategy (Mar 2013)
* Roads and Transport Guidelines for New Developments (May 2013)
* Standards for Archaeological Work (Mar 2012)
* Sustainable Design Guide (Jan 2013)
* Trees, Woodlands and Development (Jan 2013)
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| 4.6 | Scottish Government Policy and Other Guidance |
|  | * Scottish Planning Policy (Jun 2014 and as amended Dec 2020)
* National Planning Framework 3 (Jun 2014)
* Historic Environment Policy for Scotland (Apr 2019)
* PAN 1/2011 – Planning and Noise (Mar 2011)
* PAN 60 – Planning for Natural Heritage (Jan 2008)
* 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)
* PAN 83 – Master Planning (Sept 2008)
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| **5.0** | POTENTIAL MATERIAL PLANNING CONSIDERATIONS |
|  | 1. Development Plan and other planning policy;
2. Design and layout;
3. Landscape and visual impact;
4. Amenity impacts (including construction noise, operational noise and lighting);
5. Screening landscaping;
6. Roads, access and parking;
7. Wider access (impact upon the Core Path network)
8. Infrastructure Capacity
9. Natural heritage (including protected species and impact upon trees);
10. Water environment, flood risk and drainage; and
11. Any other material considerations raised within representations.
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| **6.0** | **CONCLUSION** |
| 6.1 | The report presents the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered 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. |

Designation: Area Planning Manager – North

Author: Michael Kordas

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Proposal of Application Notice

 Plan 2 - 000001 REV A - Location Plan